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Michigan relating...

Lansing

1878

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L A W S
OF THE
STATE OF MICHIGAN

RELATING TO
THE SUPPORT OF POOR PERSONS.

COMPILED AND PUBLISHED UNDER THE SUPERVISION OF THE SECRETARY OF STATE,
PURSUANT TO ACT No. 3, LAWS OF 1877.



BY AUTHORITY.

LANSING:
W. S. GEORGE & CO., STATE PRINTERS AND BINDERS.
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L A W S

RELATING TO THE

SUPPORT OF POOR PERSONS.

I. CONSTITUTIONAL PROVISIONS.

ARTICLE IV.

(1.) SECTION 38. The Legislature may confer upon organized townships, incorporated cities and villages, and upon the board of supervisors of the several counties, such powers of a local, legislative, and administrative character as they may deem proper. Local legislation. 4 Selden, 472.

ARTICLE XIII.

(2.) SECTION 10. Institutions for the benefit of those inhabitants who are deaf, dumb, blind, or insane, shall always be fostered and supported. Asylums.

II. POWERS OF BOARDS OF SUPERVISORS TO ERECT POORHOUSES, ETC., AND TO ABOLISH OR REVIVE DISTINCTION BETWEEN TOWNSHIP AND COUNTY POOR.

From act to define the powers and duties of the Boards of Supervisors of the several counties, and to confer upon them certain local, administrative, and legislative powers.

Laws of 1851, p. 231. Approved and took effect April 8, 1851.

(3.) SECTION 11. The said several boards of supervisors shall have power, and they are hereby authorized, at any meeting thereof, lawfully held, Powers of boards of supervisors.

First, To purchase for the use of the county any real estate necessary for the erection of buildings for the support of the poor of such county, and for a farm to be used in connection therewith; To buy real estate for certain purposes.

NOT E.—The sections of this compilation are numbered consecutively by figures in parenthesis at the beginning of each section. The section numbers following are those of the act or statute. The section numbers of the Compiled Laws, so far as the matter is found in the Compilation of 1871, are indicated in parenthesis at the end of each section.

Second. To purchase any real estate necessary for the site of any court-house, jail, clerk's office, or any other county building in such county;

Determine site.

Third. To fix upon and determine the site of any such building, if not previously located;

Sale or lease of real estate, etc.

Fourth. To authorize the sale or leasing of any real estate belonging to such county, and to prescribe the mode in which any conveyance thereof be executed;

Erection of buildings for poorhouses, etc.

Sixth. To cause to be erected the necessary buildings for poorhouses, jails, clerks' offices, and other county buildings, and to prescribe the time and manner of erecting the same;

Borrow or raise money.

Seventh. To borrow or raise by tax upon such county any sums of money necessary for any of the purposes mentioned in this act: *Provided,* That no greater sum than one thousand dollars shall be borrowed or raised by tax in any one year, for the purpose of constructing or repairing public buildings, highways, or bridges, unless authorized by a majority of the electors of such county voting therefor as hereinafter provided;

Proviso.

Eighth. To provide for the payment of any loan made by them, by tax upon such county, which shall in all cases be within fifteen years from the date of such loan;

Payment of loans by tax.

Ninth. To prescribe and fix the compensation for all services rendered for, and adjust all claims against their respective counties, and the sums so fixed and defined shall be subject to no appeal.

Compensation for services, claims, etc.

Tenth. To direct and provide for the raising of any money which may be necessary to defray the current expenses and charges of said county, and the necessary charges incident to or arising from the execution of their lawful authority, subject to the limitations prescribed in this act;

Current expenses.

Eleventh. To abolish or revive the distinctions between township and county poor.¹—(\$477.)

Distinction as to poor.

III. EXEMPTION OF POOR PERSONS FROM TAXATION.

From act to provide for a uniform assessment of property, and for the collection and return of taxes thereon.

Laws of 1869, p. 323. Approved and took effect April 6, 1869.

Certain property exempt from taxation.

(4.) SECTION 5. The following property shall be exempt from taxation, viz.:

Tenth. The personal and real estates of persons who, by reason of infirmity, age, or poverty, may, in the opinion of the supervisor, be unable to contribute towards the public charges.—(\$971.)

From chapter twenty-three of Revised Statutes of 1846.

(5.) SECTION 5. In making the estimate and assessment of highway labor the commissioner shall proceed as follows:

Highway labor how and by whom established.

¹ As amended by act No. 165, p. 156, Laws of 1877.

First. Every male inhabitant in each road district being above the age of twenty-one and under the age of fifty—except pensioners of the United States and other soldiers and sailors honorably discharged, who are disabled from performing manual labor by reason of wounds received or diseases contracted while in the service of the United States, paupers, idiots, and lunatics—shall be assessed one day. * * * * *—(\$1220.)

IV. DUTY OF SCHOOL OFFICERS RELATIVE TO INDIGENT AND PAUPER CHILDREN.

From chapter fifty-eight of Revised Statutes of 1846.

(6.) SECTION 41. Within ten days next previous to the annual district meeting, it shall be the duty of the director, or such other person as the district board may appoint, to take the census of the district, and make a list in writing of the names and ages of all the children between the age of five and twenty years residing therein; and a copy of said list shall be verified by the oath or affirmation of the person taking such census, by affidavit appended thereto or indorsed thereon, setting forth that it is a correct list of the names of all the children between the ages aforesaid residing in the district, which affidavit may be made before the clerk of the township; and said list shall be returned with the annual report of the director to the township clerk. Children in almshouses, prisons, or asylums, not otherwise residents of the district, and not attending the school, shall not be included in the said census, nor shall Indian children be so included unless they attend the school or their parents are liable to pay taxes therein.²—(\$3617.)

Census of children.

Almshouse children, etc., not included.

(7.) SEC. 57. The district board may purchase, at the expense of the district, such school-books as may be necessary for the use of children when parents are not able to furnish the same, and they shall include the amount of such purchases in their report to the supervisor or supervisors, to be assessed as aforesaid. They shall also prescribe a uniform list of text-books to be used in the said school; but text-books, once adopted, shall not be changed within two years, except by the consent of a majority of the voters at some regular meeting. They shall have the general care of the school, and may establish all needful regulations for its management.³—(\$3627.)

Board may purchase books for indigent children.

Text-books.

(8.) SEC. 65. The said district board shall have the care and custody of the school-house and other property of the district, except so far as the same shall by a vote of the district be specially confided to the custody of the director, including all books purchased for the use of indigent pupils.⁴ * * * * *—(\$3635.)

Custody and use of school-house.

¹ As amended by act No. 65, p. 80, and act No. 179, p. 206, Laws of 1875, and act No. 36, p. 26, Laws of 1877.

² As amended by act No. 34, p. 42, Laws of 1867, and act No. 63, p. 107, Laws of 1872.

³ As amended by act No. 170, p. 271, Laws of 1871, and act No. 63, p. 107, Laws of 1872.

⁴ As amended by act No. 170, p. 271, Laws of 1871, and act No. 132, p. 189, Laws of 1873.

V. SUPPORT OF POOR PERSONS BY THEIR RELATIVES.

Chapter thirty-seven of Revised Statutes of 1846.

Certain persons to support poor relations.

(9.) SECTION 1. The father, mother, and children, being of sufficient ability, of any poor person who is blind, old, lame, impotent or decrepit, so as to be unable to maintain himself, shall, at their own charge, relieve and maintain such poor person, in such manner as shall be approved by the directors of the poor of the township where such poor person may be.—(§1801.)

In case of failure, superintendent is to apply to circuit court.

(10.) SEC. 2. Upon the failure of any relative to relieve and maintain any such poor person, it shall be the duty of the superintendents of the poor of the county where such poor person may be, to apply to the circuit court for the county where such relative may dwell, for an order to compel such relief; of which application at least fourteen days' notice in writing shall be given, by serving the same personally, or by leaving the same at the dwelling-place of the person to whom it may be directed, in case of his absence therefrom, with some person of sufficient age.—(§1802.)

Court to make order.

(11.) SEC. 3. The court to which such application may be made, shall proceed in a summary way to hear the proofs and allegations of the parties, and shall order such of the relatives aforesaid of such poor person, as appear to be of sufficient ability, to relieve and maintain such poor person, and shall therein specify the sum which will be sufficient for the support of such poor person, to be paid weekly.—(§1803.)

Order in which relatives are liable.

(12.) SEC. 4. The said court shall also in such orders direct the relative or relatives who shall perform that duty, in the following order: The father shall be first required to maintain such poor person, if of sufficient ability; if there be no father, or he be not of sufficient ability, then the children of such poor person; if there be no such children, or they be not of sufficient ability, then the mother, if she be able to do so.—(§1804.)

Contribution, when to be ordered.

(13.) SEC. 5. If it shall appear that any such relative is unable wholly to maintain such poor person, but is able to contribute towards his support, the court may, in its discretion, direct two or more relatives of different degrees to maintain such poor person, and shall prescribe the proportion which each shall contribute for that purpose; and if it shall appear that the relatives liable as aforesaid are not of sufficient ability wholly to maintain such poor person, but are able to contribute something therefor, the court shall direct the sum, in proportion to their ability, which such relations shall severally pay weekly for that purpose.—(§1805.)

Order, what to specify; may be varied in certain cases.

(14.) SEC. 6. Such order may specify the time during which the relatives aforesaid shall maintain such poor person, or during which any of the said sums so directed by the court shall be paid, or it may be indefinite, or until the further order of the court; and the said court may from time to time vary such order, whenever circumstances shall require it, on the application either of any relative affected thereby, or of any superintendent of the poor,

upon fourteen days' notice being given in the manner aforesaid.—(§1806.)

(15.) SEC. 7. The costs and expenses of any application under the provisions of this chapter, shall be ascertained by the court, and paid by the relatives against whom any order may be made; and the payment thereof, and obedience to the order of maintenance, and to any order of such court for the payment of money as aforesaid, may be enforced by process of attachment from such court.—(§1807.)

Payment of costs and expenses, etc., how enforced.

(16.) SEC. 8. If any relative who shall have been required by such order to relieve or maintain any poor person, shall neglect to do so in such manner as shall be approved by the directors of the poor of the township where such poor person may be, and shall neglect to pay to the superintendents of the poor of the county, weekly, the sum prescribed by the court for the support of such poor person, the said superintendents may maintain an action against such relatives, as for moneys paid, laid out and expended, and shall recover therein the sum so prescribed by the said court for every week the said order shall have been disobeyed, up to the time of such recovery, with costs of suit, for the use of the poor.—(§1808.)

Action may be brought by superintendents in case of neglect, etc.

(17.) SEC. 9. Whenever the father, or the mother, being a widow or living separate from her husband, shall abandon, neglect, or refuse to maintain his or her children, or a husband shall abandon, neglect, or refuse to maintain his wife, leaving any of them chargeable, or likely to become chargeable, upon the county for their support, a superintendent of the poor of the county where such wife or children may be, may seize upon and take immediate possession of the goods, chattels, effects, things in action, and the lands and tenements of any such father, mother, or husband, wherever the same may be found in the said county; and the said superintendent shall make an inventory of the property so seized, a copy of which shall be left with the owner of the same, or at his or her last known place of residence, together with a notice to appear before a justice of the peace of the said county within one week after such seizure, and show cause why such seizure should not have been made. Said notice shall state the time, place, and officer before whom a hearing may be had.—(§1809.)

When superintendent to seize and take estate of persons abandoning.

Inventory to be made, and copy, etc., left with owner.

Notice of hearing.

(18.) SEC. 10. Upon the due proof of the facts aforesaid, the said justice of the peace shall indorse upon said inventory his approval of the proceedings, and the superintendents of the poor of said county shall then be vested with all the rights and title to the said property, things in action, and effects which the person so abandoning, neglecting, or refusing to support as aforesaid, had at the time of seizure.—(§1810.)

When approval of inventory by justice indorsed, rights to property shall be vested in superintendents.

(19.) SEC. 11. All sales and transfers of any personal property of such father, mother, or husband, made by him or her, after such seizure by a superintendent, whether in payment of an antecedent debt, or for a new consideration, shall be absolutely void,

Sales by owner after seizure to be void.

¹ Sections 9, 10, 11, 12, 13, 14, as amended by Act 138 of the Laws of 1869, p. 313, approved April 9, 1869.

and the superintendent of the poor having the matter in charge shall return the inventory of the property so seized, with his proceedings thereon, to the next circuit court for the county in which such superintendent resides.¹—(§1811.)

Circuit court may confirm or discharge seizure, etc.

(20.) SEC. 12. The said circuit court upon inquiry into the facts and circumstances of the case, may confirm the said seizure, or may discharge the same; and if the same be confirmed, such court may, from time to time, direct what part of the personal property shall be sold, and how much of the proceeds of such sale, and of the rents and profits of the real estate, if any, shall be applied towards the maintenance of the wife and children of the person so abandoning, neglecting, or refusing such support.¹—(§1812.)

Sale of property and application of proceeds.

(21.) SEC. 13. The superintendents shall sell at public vendue the property so ordered to be sold, and recover the rents and profits of the real estate of the person so abandoning, neglecting, or refusing maintenance as aforesaid, and shall apply the same to the maintenance of the wife and children of the person aforesaid, and for that purpose shall draw on the county treasurer therefor, and they shall account to the said county [circuit] court for all moneys so received by them, and for the application thereof, from time to time, and may be compelled by said court to render such account at any time.¹—(§1813.)

When two superintendents may restore property seized to owner.

(22.) SEC. 14. Whenever a party whose property has been seized by a superintendent of the poor, shall come forward and give such security as shall be approved by two of the superintendents of the poor of such county, that the wife or children of such party shall not become, or thereafter be chargeable to the county, then the property so seized and remaining unappropriated, or the proceeds thereof, after deducting the expenses of the proceedings aforesaid, shall be restored to such party.¹—(§1814.)

Pauper's personal property sold.

(23.) SEC. 15. When any personal property, other than personal clothing, shall have been brought to the poorhouse by any pauper, and the same shall come into the hands of the superintendents of the poor, it shall be competent for the superintendents of the poor, on application to any justice of the peace of the county in which said poorhouse is situated, on proof of the facts before said justice, to obtain an order for the sale of any personal property that such pauper may own, at public auction, of all or any of such personal property, for the support of such pauper; whereupon it shall be competent for such superintendents of the poor to sell the same at public auction, giving the same notice as is required on constable's sales, and the proceeds of said sale shall be placed by said superintendents in the treasury of the county. It shall be lawful for the person to whom said property shall belong at the time of said sale, when he shall cease to be a county charge, to apply for the payment of the proceeds thereof to said superintendents of the poor, who are authorized to draw their order on said treasurer for so much of such amount as shall not have been expended for the maintenance of said owner or his family, and said

How sold.

Proceeds.

Right to proceeds released.

¹Sections 9, 10, 11, 12, 13, 14, as amended by Act 138 of the Laws of 1869, p. 313, approved April 5, 1868.

treasurer shall pay the same to the person entitled thereto: *Pro- Visio.*
vided, That in no case shall the property of any insane pauper be sold until the disease of such pauper shall be pronounced by the Incurable Insane Medical Superintendent of the State Insane Asylum to be a case of incurable insanity.¹—(§1815.)

VI. SUPPORT OF POOR PERSONS BY THE PUBLIC.

An act to revise and consolidate the several acts relating to the support and maintenance of poor persons.

Laws of 1869, p. 271. Approved April 5, 1869.

(24.) SECTION 1. *The People of the State of Michigan enact,* That every poor person who is blind, old, lame, sick, or decrepit, or in any other way disabled or enfeebled, so as to be unable to maintain himself, and who shall not be relieved or maintained by his relatives, as provided in chapter thirty-seven of the Revised Statutes of eighteen hundred and forty-six, shall be maintained by the county in which he may be, according to the following provisions.—(§1816.)

Poor persons, when to be maintained by county.

(25.) SEC. 2. It shall be the duty of the supervisors of each county, at their annual meeting in the year eighteen hundred and sixty-nine, to appoint three discreet electors of such county to be superintendents of the poor within the same; one for the term of one year, one for the term of two years, and one for the term of three years; each to hold his office until another shall be appointed in his place and duly qualified; and at their annual session in each year thereafter, and they shall appoint one for the term of three years and until his successor is chosen and qualified; and such superintendent shall take the oath of office prescribed in the eighteenth article of the constitution, and file the same with the county clerk.—(§1817.)

Appointment of superintendents of poor.

Term of office.

Oaths.

(26.) SEC. 3. A majority of the persons so appointed shall be at all times competent to transact business and to execute any powers vested in the board of superintendents; and they shall be allowed such sum for their actual attendance and services as the board of supervisors of the county shall deem reasonable.—(§1818.)

Majority may transact business. Compensation.

(27.) SEC. 4. They shall be a corporation, by the name of the superintendents of the poor of the county for which they shall be appointed, and shall possess the usual powers of a corporation for public purposes, and they shall meet as often as the board of supervisors of the county shall direct, at the county poor-house, if there be one, and if not, then at the place of holding the circuit court in their county, and at such other times and places as they shall deem necessary.—(§1819.)

To be a corporation.

Powers as such. Meetings, where held.

¹Added by Act 177 of the Laws of 1867, p. 230, approved March 27, 1867.

Powers and duties of the superintendents of the poor.

To have charge of county poor-houses, etc.

To ordain rules, etc.

To employ keepers, etc.

To purchase materials, etc.

Proviso prohibiting the purchase of materials, etc., of superintendents.

To prescribe rate of allowance for bringing paupers to poor-house.

To prosecute suits, etc.

To draw on county treasurer for expenses.

(28.) SEC. 5. They shall have the general superintendence of all the poor who may be in their respective counties, and shall have power, and it shall be their duty:

First, To have charge of the county poor-house that has been or shall be erected, and to provide suitable places for the keeping of such poor, when so directed by the board of supervisors, when houses for that purpose shall not have been erected by the county; and for that purpose to rent a tenement or tenements, and land not exceeding eighty acres, and to cause the poor of the county to be maintained at such places;

Second, To ordain and establish prudential rules, regulations, and by-laws, and for the government and good order of such places so provided, and of the county poor-houses, and for the employment, relief, management, and government of the persons therein placed:

Third, To employ one or more suitable persons to be keepers of such houses or places, and all necessary officers and servants; and to vest in them such powers for the government of such houses as shall be necessary, reserving to the paupers who may be placed under the care of such keepers, the right to appeal to the superintendents:

Fourth, To purchase the furniture, implements, provisions, and materials that shall be necessary for the maintenance of the poor and their employment and labor, and to sell and dispose of the proceeds of such labor as they shall deem expedient: *Provided*, That no furniture, implements, provisions, or materials shall be purchased of a superintendent of the poor; and any superintendent being the owner of any such furniture, implements, provisions, or materials sold to or purchased by such superintendents, or interested directly or indirectly in the profits on any such furniture, implements, provisions, or materials, by commission or otherwise, shall forfeit his interest in the same; and in addition to such forfeiture, a penalty of fifty dollars for each and every violation of the prohibitions and terms of this proviso is hereby imposed, to be collected by and in the name of the county treasurer, in the same manner as the forfeiture provided for and by section twenty-five of the act to which this act is amendatory;

Fifth, To prescribe the rate of allowance to be made to any person for bringing paupers to the county poor-house, or place provided for the poor, which amount shall be paid by the county treasurer, on the production of a certificate signed by the chairman and countersigned by the secretary of the board of superintendents:

Sixth, To commence any suit wherein they may be entitled to prosecute upon any recognizance, bond, or security taken for the indemnity of any township or of the county, and prosecute the same to effect;

Seventh, To draw, from time to time, on the county treasurer for all necessary expenses incurred in the discharge of their duties, which draft shall be paid by him out of the moneys placed in his hands for the support of the poor;

Eighth, To render to the board of supervisors of their county, at their annual meeting, a detailed account of all moneys received and expended by them, or under their directions, and of all their proceedings;

Ninth, To pay over all moneys belonging to the county remaining in their hands, to the county treasurer, within fifteen days after receiving the same.¹—(§1820.)

(29.) SEC. 6. The board of supervisors of any county in this State in which a county poor-house is not already erected may, at any annual or special meeting thereof, determine to erect such a house for the reception of the poor of their county; and upon filing such determination with the clerk of the county, they may direct the superintendents of the poor of such county to purchase one or more tracts of land, not exceeding three hundred and twenty acres, and to erect thereon one or more suitable buildings for the purpose aforesaid.—(§1821.)

(30.) SEC. 7. To defray the expenses of such purchase and buildings, the said board of supervisors may raise by tax on the taxable real and personal property within the same county, a sum not exceeding twelve thousand dollars, in such installments and at such times as they may judge expedient; and such tax shall be raised, assessed, and collected in the same manner as the other county charges, and shall be paid by the county treasurer, upon the order of the superintendents of the poor, to be applied for the purposes aforesaid.—(§1822.)

(31.) SEC. 8. When any poor person or persons shall apply for relief to a county superintendent of the poor, or to the supervisor of any township, city, or ward, the said superintendent of the poor, or supervisor, shall make immediate personal inquiry into the state and circumstances of the applicant; and if it shall appear that the person so applying is in such indigent circumstances as to require permanent relief and support, and can be safely removed, such superintendent or supervisor shall, by a written order, cause such poor person to be removed to the county poor-house, to be received and provided for as his necessities may require; but if it shall appear that any such poor person so applying for relief requires but temporary or partial support, or is so sick, lame, or otherwise disabled that such person cannot be safely or conveniently removed to the poor-house, then the superintendent or supervisor may cause provisions to be made, under his own direction, for the temporary or partial relief and support of such poor person, which support, when furnished by a supervisor, shall in no case exceed the sum of twenty dollars in any one year, unless by the consent, in writing, of a county superintendent of the poor.—(§1823.)

(32.) SEC. 9. Every such person so removed shall be received by the keeper of the county poorhouse, and shall be supported and relieved therein, under the direction of the superintendents, until it shall appear to them that such person is able to maintain

¹As amended by act No. 77, Laws of 1875, p. 115. Approved April 9, 1875.

When superintendents may discharge.

Superior who has afforded relief shall report to superintendent.

Also to board of supervisors.

Contents of statement.

Superior to receive order on county treasurer for sums paid, etc.

Limiting amount to be expended.

Per diem of supervisor when caring for the poor.

Provision for support of idiots and lunatics, out of county house.

Punishment for removing paupers from one county to another.

Paupers so removed, to be cared for and notice sent to superintendent of proper county.

himself, when the said superintendents may, in their discretion, discharge him.—(§1824.)

(33.) SEC. 10. In all cases where relief has been afforded as provided in section eight of this chapter, said supervisor shall, within ten days, make, in writing, to the superintendent of the poor of the county, a report of his doings in every case of relief so afforded, specifying the articles furnished and the value of each item thereof, and said supervisor shall make to the board of supervisors at their annual meeting, a statement in writing, showing the number of persons to whom such temporary relief has been granted, and the names of such persons and the amount granted to each, with the peculiar items of such expenditures, and also the number of persons, with the names of each removed to the county poorhouse from each township by the order of the supervisor of such township, and the date of such removal.—(§1825.)

(34.) SEC. 11. The supervisor of the township, city, or ward, shall be entitled to receive from the superintendents of the poor, an order on the county treasurer for any sum which he may have paid out or contracted to pay, within the amount specified in section eight; but no greater sum than twenty dollars shall be so expended or paid for relief of any one person or one family, without the sanction in writing of the superintendents of the poor of the county; and such supervisor shall be entitled to a compensation of one dollar and fifty cents for each day, and at the same rate for parts of a day, actually and necessarily devoted by him to the care of such poor person.—(§1826.)

(35.) SEC. 12. The superintendents may provide for the support of paupers that may be idiots or lunatics, out of the county poorhouse, in such place and in such manner as shall best promote the interests of the county and conduce to the comfort and recovery of such paupers.—(§1827.)

(36.) SEC. 13. Any person who shall send, carry, transport, remove, or bring, or who shall cause or procure to be sent, carried, transported, removed, or brought, any poor or indigent person from any county into any other county, without legal authority, and there leave such poor person, or who shall entice such poor person so to remove, with intent to make any such county to which the removal shall be made chargeable with the support of such pauper, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be imprisoned in the county jail not exceeding three months, or fined not exceeding one hundred dollars, or both, in the discretion of the court.—(§1828.)

(37.) SEC. 14. The pauper so brought, removed, or enticed, shall be maintained and provided for by the superintendents of the poor of the county where he may be, and the said superintendents may give notice to either of the superintendents of the poor of the county from which such pauper removed, or was brought or enticed, informing them of such improper removal, and requiring them forthwith to take charge of such pauper.—(§1829.)

(38.) SEC. 15. The superintendents to whom such notice may be directed shall, within thirty days after the service thereof, take and remove such pauper to their county, and pay the expenses incurred in giving such notice, and in maintaining such pauper from the time of his becoming a charge to the county in which he is maintained; or they shall, within the time aforesaid, notify the superintendents from whom such notice was received, or either of them, that they deny the allegation of such improper removal or enticement.—(§1830.)

(39.) SEC. 16. If the superintendents to whom a notice shall have been given, as provided in the fifteenth section of this act, shall omit to take and remove such pauper as shall neglect to notify such denial within the time aforesaid, they shall be liable for said expenses so long as such pauper shall remain a charge; and an action for such expenses may be maintained, from time to time, by and in the name of the superintendents incurring the same, or their successors in office, against the superintendents so made liable, and their successors in office.—(§1831.)

(40.) SEC. 17. Upon receiving any such notice of denial, as aforesaid, the superintendents upon whom the same may have been served shall, within three months thereafter, commence an action against the superintendents of the poor of the county to whom the first notice was directed, for the expenses of supporting such pauper, as for moneys paid, laid out, and expended, and shall prosecute the same to effect; and if such action be not commenced within the time aforesaid, the same shall be forever barred, and no action shall thereafter be brought for expenses incurred in supporting or maintaining such pauper.—(§1832.)

(41.) SEC. 18. No supervisor of any township, mayor or alderman of any city, prosecuting attorney of any county, county clerk, or county treasurer shall be appointed to or hold the office of superintendent of the poor.—(§1833.)

(42.) SEC. 19. The keeper of every poor-house shall be exempt from all service in the militia, and from serving on juries, during the time he shall be such keeper.—(§1834.)

(43.) SEC. 20. The place which shall be provided for the reception of the poor by the county superintendents, pursuant to the provisions of this act, shall in all cases be deemed to be the county poor-house; and all the provisions of this act, applicable to county poor-houses, shall extend and apply to such places.—(§1835.)

(44.) SEC. 21. Whenever there shall be in any county ten or more paupers over five and under eighteen years of age, the superintendents of the poor of such county shall cause the same to be taught and educated in an apartment of the county poor-house, to be fitted up for that purpose if it shall be convenient, and if not, then in some building or apartment to be provided by them for that purpose; and there shall be taught in such school the branches usually taught in the primary schools of this State; and the superintendents are required to provide for the education of such paupers for at least one-half of the time they shall be under their

Superintendent receiving notice, to pay expenses, etc., or deny allegation of removal.

Superintendents omitting to remove pauper or give notice of denial shall be liable for expenses.

When notice of denial is received action shall be commenced for expenses of support, etc.

When action shall be barred.

Who not to be superintendent

Keepers exempt from militia service.

What places to be deemed poor-houses.

Education of pauper children.

What branches to be taught.

Expenses, how paid.

Proviso.

Penalty for removing pauper from another State.

Magistrate may require security, etc.

Punishment for refusal to give security.

All moneys received by superintendent, etc., to be paid to county treasurer.

On neglect, how same recovered.

Liability of superintendent for neglect to account.

Estimate for yearly expenses.

Collection of same.

charge, and the expense thereof shall be paid in the same manner as other contingent expenses are paid for the support of such paupers: *Provided*, That when the number of such persons shall be less than ten, then the said superintendents shall make such provision for their education as to them shall seem just and proper.— (§1836.)

(45.) SEC. 22. Any person who shall bring or remove, or cause to be brought or removed, any poor or indigent person, from any place without this State, into any county within it, with intent to make such county chargeable with the support of such paupers, shall forfeit and pay fifty dollars, to be recovered before any justice of the peace of the county into which such pauper shall be brought, or in which the offender may be; and shall also be obliged to convey such pauper out of the State, or support him at his own expense.— (§1837.)

(46.) SEC. 23. It shall be lawful for the justice or court before whom such person shall be convicted for a violation of the provisions of the preceding section, to require of such person satisfactory security that he will, within a reasonable time, to be named by the justice or court, transport such person out of the State, or indemnify such county for all charges and expenses which may have been or may be incurred in the support of such pauper; and if such person shall neglect or refuse to give such security when required, it shall be the duty of the justice or court to commit him to the county jail for a term not exceeding three months.— (§1838.)

(47.) SEC. 24. All moneys which shall be collected by any superintendent, or by the supervisor of any township, city, or ward, or received by any of them on any bond or other security given for the benefit or indemnity of any county, or of any township, city, or ward, and all other moneys which shall be received by such superintendent or supervisor for the benefit of the poor, shall be by them paid over, within fifteen days after the receipt of the same, to the county treasurer; and if not so paid, the same may be recovered in an action as for money had and received, to be brought by and in the name of the county treasurer, with interest at the rate of ten per cent from the time the same shall [should] have been paid over.— (§1839.)

(48.) SEC. 25. Every superintendent who shall neglect or refuse so to render an account or statement, or to pay over any moneys as required in this act, shall forfeit the sum of two hundred and fifty dollars, and shall also be liable to an action by and in the name of the county treasurer, as for moneys had and received, or all moneys which may be in his hands after the expiration of his term of office, with interest thereon from the time when the same ought to have been paid over.— (§1840.)

(49.) SEC. 26. The superintendents of the poor in each county shall present to the board of supervisors at their annual meeting in each year, an estimate of the sum which, in their opinion, will be necessary during the ensuing year for the support of the county poor; and the said supervisors shall cause such sum as they may deem necessary for that purpose to be assessed, levied, and col-

lected in the same manner as the other contingent expenses of the county, to be paid to the county treasurer, and by him to be kept as a separate fund, distinct from the other funds of the county.— (§1841.)

(50.) SEC. 27. The accounts of the supervisors and of justices of the peace, for any personal or official services rendered by them in relation to the poor, shall be audited and settled by the superintendents, and be paid on their order by the county treasurer; but no allowance shall be made to any officer for attending any board with accounts, for the purpose of having the same audited or paid.— (§1842.)

(51.) SEC. 28. It shall be the duty of the superintendents of the poor of each county, on or before the twentieth day of October in each year, to report to the Secretary of the State, for the year ending on the thirtieth day of September next preceeding, and in such form as such Secretary shall direct, the condition of such poorhouse during the preceeding year; which report shall contain a statement of the number of paupers, insane, idiots, blind, mutes, and the average number of each class maintained during the preceeding year; also the cost of supporting such persons in the poorhouse; the salary of the keeper thereof; the amount paid for medical attendance; the estimated amount earned by paupers, and their nationality; the amount paid for the transportation of paupers; the amount paid to supervisors for services; the amount paid to superintendents of the poor; the number of persons who have received temporary relief outside [of] the poorhouse during the year; and the amount paid for such relief; the value of county farms, including buildings; the value of all personal property belonging or attached to such poorhouse and farm, and the income received from the county farm. Such report shall also contain a statement of the general condition of the farm-house and other buildings, the manner in which paupers are treated, how they are fed, clothed, and in what manner such persons are cared for; how the insane and idiots are kept, and what are their accommodation and treatment; how the pauper children are educated; what the facilities are for bathing, heating, and ventilation, and to include all other information necessary to give a complete account of the condition of such poor-house.— (§1843.)

(52.) SEC. 29. Any superintendent who shall neglect or refuse to make such report as aforesaid, or who shall willfully make any false report, shall forfeit one hundred dollars; and the Secretary of State shall give notice to the prosecuting attorney of the county of every such neglect or refusal, or misconduct.— (§1844.)

(53.) SEC. 30. The Secretary of State shall annually lay before the Legislature, during the first month of its session, an abstract of said report.— (§1845.)

(54.) SEC. 31. The provisions of this act shall not apply to the city of Detroit.— (§1846.)

Accounts of supervisors and justices, how audited and paid.

Superintendents of poor shall make annual report to Secretary of State.

What report shall contain.

Liability of superintendent for neglect to report. Secretary of State to give notice to prosecuting attorney of such neglect.

Secretary of State to report to Legislature.

Detroit exempted.

¹ As amended by Act No. 73, Laws of 1871, p. 92; Act No. 103, Laws of 1873, p. 141, and Act No. 154, Laws of 1877, p. 147.

² See section 251 of the Compiled Laws.

THE SUPPORT OF THE POOR BY TOWNSHIPS.

Where distinction between town and county poor is not abolished.

(55.) SEC. 32. In those counties in which the distinction between township and county poor shall not be abolished by the board of supervisors, the poor having a settlement in any township in such counties shall be supported at the expense of such township, and the poor not having such settlement shall be supported by the county in which they may be, as hereinbefore provided.—(§1847.)

Who deemed settled in townships.

How minor may gain settlement.

(56.) SEC. 33. Every person of full age who shall have been a resident and inhabitant of any township for one year, and the members of his family who shall not have gained a separate settlement, shall be deemed settled in such township. A minor may be emancipated from his or her father, and may gain a settlement—

First, If a female, by being married and living one year with her husband, in which case the husband's settlement shall determine that of the wife;

Second, If a male, by being married and residing separately from the family of his father;

Third, By being bound as an apprentice, and serving one year by virtue of such indentures;

Fourth, by being hired and actually serving for one year for wages to be paid such minor.—(§1848.)

Settlement of paupers.

(57.) SEC. 34. A woman of full age, by marrying, shall acquire the settlement of her husband, if he have any; and until a poor person shall have gained a settlement in his own right, his settlement shall be deemed that of his father or mother; but no child born in any place used and occupied as a residence for the poor of the township, city, or county, shall gain any settlement merely by reason of the place of such birth; nor shall any child, born while the mother is a county pauper, gain any settlement by reason of the place of its birth; and no residence of any person as a pauper, in the county poor-house, or place provided for the support of the poor in any township, while supported at the expense of any township or county, shall operate to give such pauper a settlement in the township where such actual residence may be had.—(§1849.)

Where poor persons to be supported.

(58.) SEC. 35. No person shall be removed as a pauper from any city or township to any other city or township of the same or any other county, nor from any county to any other county; but every poor person shall be supported in the township or county where he may be, as follows:

First, If he has gained a settlement in any township in such county, he shall be maintained by such township;

Second, If he has not gained a settlement in the county in which he shall become poor, sick, or infirm, he shall be supported by the superintendents of the poor, at the expense of the county;

Third, If such person be in a county where the distinction between township and county poor is abolished, he shall, in like manner, be supported at the expense of the county, and in both the cases aforesaid, proceedings for his relief shall be had as hereinbefore provided;

Fourth, If such pauper shall be in a county where the respect-

ive townships are liable to support their poor, and has gained a settlement in some other township of the same county than that in which he may then be, he shall be supported at the expense of the township where he may be; and the supervisor shall give notice in writing to the supervisor of the township to which such pauper shall belong, or to one of them, requiring them to provide for the relief and support of such pauper.—(§1850.)

(59.) SEC. 36. If, within ten days after the service of such notice, the supervisor to whom the same was directed shall not proceed to contest the allegation of the settlement of such pauper, by giving the notice hereinafter directed, such supervisors, their successors, and the township which they represent, shall be forever precluded from contesting or denying such settlement. Such supervisor may, within the time aforesaid, give notice in writing to the supervisor of the township where such pauper may be, that he will appear before the county superintendents, at a place and on a day therein to be specified, which day shall be at least ten days and not more than thirty days from the time of the service of such notice, to contest the said alleged settlement. The county superintendents are hereby authorized for such purposes to issue subpoenas to compel the attendance of witnesses, and to administer oaths to them in the same manner, with the like power to enforce such process, as is given justices of the peace in any matter cognizable by them. Their decisions shall be filed in the office of the county clerk within thirty days after they are made, and shall be conclusive and final upon all parties interested.—(§1851.)

(60.) SEC. 37. The county superintendents shall convene whenever required by any supervisor, pursuant to such notice, and shall proceed to hear and determine the controversy, and may award costs, not exceeding ten dollars to the prevailing party, which may be recovered in any action before a court of competent jurisdiction.—(§1852.)

(61.) SEC. 38. The supervisor of the township in which it may be alleged any pauper has gained a settlement may, at any time after receiving such notice requiring him to provide for such pauper, take and receive such pauper to his township and there support him. If he omit to do so, or shall fail to obtain the decision of the county superintendents, so as to exonerate him from the maintenance of such pauper, the charge of giving such notice, and the expenses of maintaining such pauper, after being allowed by the county superintendents, shall be laid before the board of supervisors at their annual meetings, from year to year, as long as such expenses shall be incurred; and the supervisor shall annually add the amount of the said charges to the tax to be laid upon the township to which the pauper belongs, together with such sum in addition thereto as will pay the township incurring such expenses the lawful interest thereon, from the time of expenditure to the time of payment, which sums shall be assessed, levied, and collected in the same manner as the other contingent expenses of such township. The said moneys, when collected, shall be paid to the

When township forever precluded from contesting settlement.

Supervisors to give notice of appearance before superintendents.

Power of superintendents to compel attendance of witnesses, etc.

When superintendents to convene to hear the controversy.

Supervisor on receiving notice may take and maintain pauper.

Proceedings when he omits to do so.

county treasurer, and be by him credited to the account of the township which incurred the said expense.—(§1853.)

(62.) SEC. 39. The support of any pauper shall not be charged to the county without the sanction of the superintendents. If a pauper be sent to the county poor-house, or place provided for the poor, as a county pauper, the superintendents in those counties where the respective townships are required to support their own poor shall immediately inquire into the fact, and if they are of opinion that such pauper has a legal settlement in any township of the said county, they shall, within thirty days after such pauper shall have been received, give notice to the supervisor of the township to which such pauper belongs, that the expenses of his support will be charged to such township, unless the said supervisor, within such time as the said superintendents shall appoint, not less than twenty days thereafter, show that such township ought not to be so charged. And on the application of the said supervisor, the superintendents shall re-examine the matter, and take testimony in relation thereto, and shall decide the question, which decision shall be final.—(§1854.)

(63.) SEC. 40. The decisions of the board of county superintendents, in relation to the settlement of any paupers, or to their being a charge upon the county, shall be entered in books to be provided for that purpose, and certified by the signatures of such of the said superintendents as make such decisions; and a duplicate thereof, certified in the same manner, shall be filed in the county clerk's office within thirty days after the making of any such decision. Such original, or a copy thereof, duly certified, shall be conclusive evidence of the facts therein contained.—(§1855.)

(64.) SEC. 41. In those counties where the respective townships are required to support their poor, the county treasurers thereof shall, respectively, open and keep an account with each township, in which the township shall be credited with all the moneys received from the same, or from its officers, and shall be charged with the expense actually incurred by the superintendents for the support of such of the township poor as may be supported at the county poorhouse, and chargeable to such township, if there be a county poorhouse, or other place provided in such county for the support of the poor; and the superintendents of the poor of the county shall, in each year, before the annual meeting of the board of supervisors of such county, furnish to the county treasurer a statement of the sums charged by them, as hereinafter directed, to the several townships for the support of their poor at the county poorhouse as aforesaid, which shall be charged to each township respectively by the county treasurer in his accounts: *Provided*, That in determining the amount of such expense, no estimate shall be made of the original expense incurred in the purchase or building of such poorhouse, and the real estate belonging therewith, and the permanent and valuable improvements made thereon.—(§1856.)

¹ As amended by Act 155 of the Laws of 1871, p. 239, approved April 15, 1871.

(65.) SEC. 42. In those counties in which a poorhouse shall be established, or a place provided by the superintendents for the reception of the poor, and in which the several townships shall be liable for the support of their poor therein respectively, it shall be the duty of the superintendents annually, and during the week preceding the annual meeting of the board of supervisors, to make out a statement of all the expenses incurred by them the preceding year, and of the moneys received, and exhibiting the deficiency, if any, in the funds provided for the defraying of such expenses; and they shall apportion the said deficiency among the said several townships, in proportion to the number and expenses of the paupers belonging to the said townships, respectively, in the manner provided for in the preceding section, who shall have been supported at the county poorhouse, and shall charge said deficiencies to the townships liable therefor; which statement shall be by them delivered to the county treasurer, as before directed.—(§1857.)

(66.) SEC. 43. At the annual meeting of the board of supervisors, the county treasurer shall lay before them the account so kept by him; and if it shall appear that there is a balance against any township, the said board shall add the same to the amount of taxes to be levied and collected upon such township, with the other contingent expenses thereof, together with such a sum for interest, at the rate of seven per centum per annum, as will reimburse and satisfy any advances that may be made, or that may have been made from the county treasurer for such township, which moneys, when collected, shall be paid to the county treasurer.—(§1858.)

(67.) SEC. 44. On the Tuesday next preceding the annual township meeting of every township, the supervisors of their respective towns shall lay the said original books before the township board, together with a just and true account of all moneys by them received and expended for the use of the poor, and in what manner, together with an account of the earnings of the poor persons by them employed, which account shall be verified by the oath of the supervisor, and shall be filed with the township clerk. The township board shall compare the said account with the entries in the poor-books aforesaid, and examine the vouchers in support thereof, and shall audit and settle the same, and state the balance due from such supervisor, or to them, as the case may be. No credit shall be allowed to any supervisor for moneys paid, unless it shall appear that such payment was made pursuant to a legal order.—(§1859.)

(68.) SEC. 45. Every such supervisor who shall refuse or neglect to present such original books, or to exhibit such accounts to the township board, as required in the preceding section, shall forfeit the sum of two hundred and fifty dollars, to be recovered by and in the name of the treasurer of such township.—(§1860.)

(69.) SEC. 46. In those counties where the respective townships are made liable for the support of their poor, it shall be the duty

¹ As amended by Act 155 of the Laws of 1871, p. 239, approved April 15, 1871.

of the township clerk to examine, at the annual township meetings, the accounts for the support of the poor therein the preceding year, as the same shall have been allowed and passed by the township board, which accounts shall be openly and distinctly read by the clerk of the meeting; and the supervisors of their respective towns shall also present an estimate of the sum which they shall deem necessary, to supply any deficiency of the preceding year, and to provide for the support of the poor for the ensuing year.— (§1861.)

(70.) SEC. 47. The inhabitants of such township shall thereupon, by a vote of a majority of the persons qualified to choose township officers, determine upon the sums of money which shall be assessed upon the said township the ensuing year for the purpose aforesaid. The sum so voted, when raised and collected, shall be paid into the township treasury, subject to the order of the township board.— (§1862.)

(71.) SEC. 48. The accounts of such supervisors and justices of the peace, for any personal or official services rendered by them in relation to the poor, except county paupers, shall be audited and settled by the township boards of their respective townships, and the sums so audited and allowed shall be paid by the township treasurer. No allowance for time or services shall be made to any officer for attending any board with any accounts, for the purpose of having the same audited or paid.— (§1863.)

(72.) SEC. 49. Whenever it shall be made to appear to the satisfaction of any supervisor, either upon complaint or otherwise, that a penalty has been incurred by the violation of any provisions of the laws of this State, which such supervisor is required by law to collect, it shall be his duty immediately to commence a suit for such penalty, and to prosecute the same diligently to effect.— (§1864.)

(73.) SEC. 50. In auditing the accounts of any supervisor, by the proper township board, allowance shall be made to such supervisor for all costs to which he may have been subjected, or which may have been recovered against him, in any suit brought by him pursuant to law; and he shall also be allowed the same daily [pay] for attending to any such suit as is allowed him for the performance of his official duties.— (§1865.)

(74.) SEC. 51. Such allowances may be credited to them in their accounts for moneys collected for penalties, and may be deducted from such moneys; and the balance of such penalties shall be paid over to the township or county treasurer, as directed by law in respect to such penalties.— (§1866.)

(75.) SEC. 52. It shall be the duty of the supervisors of such townships which make their poor a township charge, on or before the first day of April in each year, to report to the township board of their respective townships, in such form as they shall direct, the number of paupers that have been relieved or supported in such township the preceding year, and the whole expense of such support.— (§1867.)

¹ As amended by act 155, Laws of 1871, p. 223, approved April 15, 1871.

(76.) SEC. 53. Any supervisor who shall neglect or refuse to make such report, or who shall willfully make any false report, shall be guilty of a misdemeanor, and on conviction thereof be subject to a fine of not exceeding one thousand dollars, to be recovered by the prosecuting attorney of the county, in the name of the people of this State, and to be paid into the township treasury.— (§1868.)

(77.) SEC. 54. At any annual meeting of the board of supervisors of any county, they may, by a two-thirds vote, restore or abolish the distinction between town and county poor.— (§1869.)

(78.) SEC. 55. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.— (§1870.)

An act to require supervisors, directors and overseers to make certain annual reports to the county superintendents of the poor.

Laws of 1873, p. 141, approved April 22, 1873.

(79.) SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of any director or overseer of the poor authorized by law to furnish relief to poor persons, and of the supervisors of each township and ward in this State, annually hereafter, on or before the first day of October, to make and transmit to the county superintendent of the poor of the county in which such township or ward is situated, a full statement or report of the number of poor persons who have been relieved by them during the year, with the amount paid for their relief, the amount paid for transportation and for medical attendance for such persons, and such other facts as shall show fully the whole sum expended by said supervisors, directors or overseers of the poor for such purpose, including his charges for services; and such report shall be made in such form as the Secretary of State may prescribe, and said Secretary of State shall prepare, and annually transmit blanks for that purpose; and such report shall be made by the supervisors of townships that make their poor a township charge, as well as from all other supervisors authorized by law to furnish relief to poor persons.

(80.) SEC. 2. Any supervisor, director, or overseer of the poor who shall refuse to make such report shall be guilty of a misdemeanor, and on conviction thereof may be punished as prescribed by law for the commission of such offense.

¹ As amended by act 155, Laws of 1871, p. 223, approved April 15, 1871.

VII. UNION WORK-HOUSES AND ALMS-HOUSES.

an act to provide for the establishment, government, and control of union work-houses and alms-houses.

Laws of 1877, p. 190. Approved May 22, 1877.

Cities or counties authorized to erect, etc.

(81.) SECTION 1. *The People of the State of Michigan enact,* That any number of cities or counties may, at their joint charge, and for their common use, erect or provide a work-house, alms-house, or poor-house, and purchase land for the use thereof; which, at their option, may take the place of their county-poor-house.

Board of directors, powers, etc.

(82.) SEC. 2. The ordering, governing, and repairing of such house and farm, the appointment of a superintendent and necessary assistants, and the power of removing them for misconduct or incapacity or other sufficient cause, and the power to fix the salaries of superintendent, assistants, and all employes, shall be vested in a joint board of directors, who shall be chosen annually by the common councils of cities and the boards of supervisors of counties so uniting.

If so chosen.

Idem.

Vacancy.

(83.) SEC. 3. Unless all the cities or counties so uniting and interested in such work-house shall agree upon a different number, each of the parties so uniting shall choose three members of the board of directors; and in case of the death of a director, or of his removal from the place for which he was chosen, the vacancy may be supplied by the body which appointed him. If any city or county entitled to appoint directors shall fail to make appointments or to fill vacancies on notice of the same, those appointed from the other bodies entitled to act in the premises shall have the charge of such house and farm until such appointments shall be [are] made or vacancies [are] filled.

Quarterly meetings of board, etc.

(84.) SEC. 4. Stated quarterly meetings of the board of directors shall be held on the first Tuesday of January, April, July, and October, at the work-house, alms-house, or poor-house under their charge, for the purpose of inspecting the management and directing the business thereof; meetings of the board may be called at other times by the directors chosen by any city or county uniting as one of the parties for the erection or maintenance of such union work-house, alms-house, or poor-house, on giving notice to the other members of the board, in such manner as shall have been agreed upon at a stated meeting.

Special meetings.

Officers of board.

(85.) SEC. 5. The board of directors shall, at their first general meeting in each year, choose one of their number as chairman, and shall also appoint a clerk, who shall take the constitutional oath of office, and shall record all proceedings of the board, and countersign all orders drawn by the chairman.

Quorum. By-laws, rules, etc.

(86.) SEC. 6. At any meeting of the board, a majority of the members shall constitute a quorum; and at any general quarterly meeting, any by-laws, rules, and regulations may be made by vote of at least one-half of the members elect, for the ordering and reg-

ulating the house and property under their charge, the payment of superintendent, assistants, and employes, and all other matters pertaining to the working and interests of such work-house or poor-house, not inconsistent with the laws of this State or of the United States.

(87.) SEC. 7. The directors shall receive, as compensation for all services rendered by them, the sum of two dollars per day for each day actually employed in attending the meetings of the directors, and six cents per mile for each mile necessarily traveled in going to and returning from such meetings, to be paid by the city or county appointing such directors.

Compensation of directors.

(88.) SEC. 8. All the expenses for salaries, wages of employes, purchase of grounds, erection of buildings, supplies, medical attendance, and all other charges and expenses of the institution (except payment for services as directors), shall be paid by the several cities or counties so uniting, in proportion to their State tax at the time when the expense may have been incurred, or in such proportion as the places interested shall agree.

Expenses, how paid.

(89.) SEC. 9. If any city or county so uniting refuses or neglects to advance or reimburse its proportion of the expenses or moneys mentioned in the preceding section, or of any other charges authorized under this act, after the same have been adjusted and apportioned by the joint board of directors, the same may be recovered of such delinquent city or county before any court of competent jurisdiction, in an action of assumpsit, to be brought in the name of such board of directors, who shall, for the purpose of suing and being sued, be a body corporate, under the name and style to be adopted by such board of directors, and a certificate signed by the chairman and countersigned by the clerk, of the corporate name adopted shall be filed with the Secretary of State, and with the clerk of each city or county, immediately after the first meeting and organization of the board of directors.

Recovery of delinquent city or county its proportion of expenses.

Board, body corporate for purpose of suing and being sued.

Certificate of corporate name, where filed.

(90.) SEC. 10. No greater number of persons belonging to any city or county uniting for the purpose, shall be received into such work-house, alms-house, or poorhouse, than such city's or county's proportion of such house, when the receiving of them would exclude or seriously inconvenience such as belong to other places interested.

Proportion of persons to be received.

(91.) SEC. 11. If any city or county so uniting, refuses or neglects to provide its proportion of the necessary expenses of such house, or of the materials, implements, or other means of performing the work there required, according to the agreement or the directions of the joint board of directors, such city or county shall be deprived of the privilege of sending any person thither during the time of such neglect or refusal.

Refusal to pay expenses to deprive city or county of privileges.

(92.) SEC. 12. The superintendent of the work-house, alms-house, or poorhouse shall keep a register of the names and ages of the persons committed or received, the places to which they belong, the date of reception and discharge, and of their respective earnings. The board of directors shall make annual reports to the several cities or counties so uniting, and to the Governor of the State, set-

Register to be kept by superintendent.

Annual report of directors.

ting forth the above items, and also giving the number of inmates, age, and sex, at date of report, and such other facts as they may deem of general interest.

Apportionment of profits and earnings.

(93.) SEC. 13. The profits and earnings arising from the work of persons committed to the work-house, if anything shall remain after paying the expenses of such work-house, alms-house, or poorhouse, shall be apportioned to the several cities, townships, or counties so uniting, in proportion to the State tax paid by each at the time of such distribution, to be by them used for the support of the poor, or for the benefit of the persons committed, or their families, as they shall severally determine.

Discharge of persons.

(94.) SEC. 14. No person committed to the work-house, alms-house, or poorhouse, shall be discharged within the time for which he was committed except by the court or authority which made the commitment, the directors at a general or quarterly meeting, or by the probate court of the county in which such work-house, or poorhouse is situated, upon good cause shown upon application for the purpose.

Employment of persons committed.

(95.) SEC. 15. Every person committed to the work-house or poorhouse shall, if able to work, be kept diligently employed in labor during the term of his commitment. If he is idle and does not perform such reasonable task as is assigned, or is stubborn and disorderly, he shall be punished according to the orders and regulations established by the directors.

Idle persons and vagrants may be committed by superintendents of the poor, etc.

(96.) SEC. 16. Idle and indigent persons who shall have no visible means of support, and vagrants without any settled home or business, whether or not they have a legal settlement in the city or county, uniting for the establishment of such work-house, or poorhouse, may be committed by the superintendents of the poor for such period as they shall determine, or by a justice of the peace upon trial and conviction as a vagrant, for a term not exceeding one year; and persons so committed shall be held for the time specified in the warrant of conviction.

Union work-house, etc., may be discontinued.

(97.) SEC. 17. Any such union work-house, alms-house or poorhouse, may be discontinued, or appropriated to any other use, when the cities or counties who have united in its erection, shall so determine, and the proceeds in such case shall be divided according to the State tax of each place interested at the time of such discontinuance.

VIII. RELIEF OF FAMILIES OF VOLUNTEERS.

An act to provide for the relief, by counties, of the families of volunteers mustered from this State into the military service of the United States or of this State.

Laws of 1861, p. 602. Approved May 10, 1861.

Board of supervisors to provide relief.

98.) SECTION 1. It shall be the duty of the board of supervisors of each organized county, at their sessions to be held in the

month of June, in the year eighteen hundred and sixty-one, and at each subsequent session, whenever necessary, to make adequate provision for all requisite relief and support of the families of the non-commissioned officers, musicians, and privates enlisted or drafted from their counties, or as substitutes for persons so drafted and mustered into the military or naval service of the United States or of this State, and for such purposes the said boards of supervisors are severally authorized to borrow money, at a rate of interest not exceeding ten per centum per annum, and to issue bonds, or other securities, for the sums borrowed, payable at some time therein to be mentioned, not exceeding three years from the date thereof, and to assess, levy, and collect taxes upon all the real and personal property of said counties, not exempt from taxation, sufficient to pay such moneys borrowed and to provide the relief hereby authorized: *Provided*, That the family of no person so drafted and furnishing a substitute shall receive any relief under the provisions of this act.—(§1871.)

Authorized to borrow money.

(99.) SEC. 2. It shall be the duty of the board of supervisors of any county, at the first regular or special meeting held after this act shall take effect, to establish a separate fund, into which the moneys so borrowed, or collected by tax, shall be paid, and be lawful for them to direct the transfer of any moneys in the treasury not otherwise appropriated, at any time, to such fund. Whenever such separate fund shall have been established, it shall be known as the "Volunteers' family relief fund," and all orders thereafter drawn shall be drawn payable out of such fund.—(§1872.)

Officials authorized to relieve soldiers' families.

(100.) SEC. 3. It shall be the duty of the supervisor of each township, and each supervisor, alderman, or other officer representing any city or ward upon the board of supervisors of his county, from time to time, to afford such temporary relief as may be necessary for the support of such family, not exceeding fifteen dollars per month to any one family, and not exceeding, in any case, to any family or person, the actual sum necessary, in connection with his, her, or their other means of support, to relieve such family or person, which support shall be afforded only in the manner prescribed by this act, and in no greater sum than shall be necessary to afford the necessary relief. In case of the decease of any non-commissioned officer, musician, or private, while in the service of the United States or of this State, his family shall be entitled for two years, and no longer, after his decease, to the same measure of relief as his family would be entitled to receive if he had not deceased: *Provided*, That if the widow or minor children of such deceased person be entitled to receive the pension allowed to widows and children of deceased soldiers, under acts of Congress passed previous to July first, one thousand eight hundred and sixty-six, shall not have received the same, then said family shall be entitled to relief for three years from his decease, unless said pension is sooner obtained.—(§1873.)

Amount limited.

Relief to families of privates and others.

Proviso.

¹ As amended by Act 173 of the Laws of 1863, p. 217, approved March 20, 1863.

² As amended by Act 114 of the Laws of 1862, p. 14, approved January 17, 1862.

³ As amended by Act 84 of the Laws of 1867, p. 117, approved March 23, 1867.

Duty of supervisors before affording relief.

(101.) SEC. 4. It shall be the duty of the supervisor or other officer, before giving any order for such relief, to ascertain and report to the county treasurer of his county, in writing, the following particulars in reference to the person and family seeking relief:

First, The name, rank, company, and regiment, and time, as near as may be, of enlisting into the military service, of the officer or soldier on whom the family or persons seeking relief are dependent for support, and his place of residence at the time of his enlistment;

Second, The name and age of the person for the time being remaining the head of the family, and his or her residence;

Third, The name and age of each member of the family for whom relief is sought;

Fourth, The amount received from, and the provisions made by the soldier for or toward the support of his family and those dependent on him;

Fifth, The measure of relief that the particular family or persons, in his opinion, require per week or month.

When required applicants to answer certain questions under oath.

The person seeking such relief, and any member of the family of years of discretion, shall answer all questions, and give all information to the supervisor or other officer, touching the matters aforesaid, and all other things touching his, her, or their means of support, circumstances, and necessities, which answer shall be given on oath when required by the supervisor or other officer affording relief, which oath said supervisor or officer is hereby authorized to administer; and in case the board of supervisors of any county shall so direct, said oath shall be administered in all cases of application for relief as aforesaid; and any false statement, or untrue representation, or withholding information sought and inquired after by such supervisor or other officer, at any time, intended to deceive such officer, or procure a larger measure of relief than otherwise would be afforded, shall forfeit by such person or family all further relief under this act; and the supervisor or other officer may incorporate in the same report such information and particulars of one or more families, and shall from time to time re-inquire and report in reference to any family or persons, and change the measure of relief, as his, her, or their circumstances and necessities may seem to require.¹—(§1874.)

Penalty for false statement of applicant.

(102.) SEC. 5. All reports shall be signed by the supervisor, or other officer or person making the same, and shall contain, as far as he has been able to ascertain, the material facts and circumstances tending to show the measure of relief required by such family or persons. All such reports shall be indorsed by the county treasurer, with the date of receiving the same, and be filed and preserved in his office; and such county treasurer shall procure, at the expense of his county, a book, in which he shall register the names of every person so reported to him, and the amount of relief stated by such report as required for each family, and noting

Reports, how made.

Duty of county treasurer.

¹ As amended by Act 14, Laws of 1862, p. 14, approved January 17, 1862.

from time to time any changes shown by further report in reference to that particular family; and the county treasurer shall pay no order drawn or given under this act, unless the family or person in whose behalf the same is given shall have been first reported to him, as aforesaid.¹—(§1875.)

(103.) SEC. 6. Such supervisor or other officer, for the purpose of carrying out the objects contemplated in this act, may give orders upon the county treasurer of his county, payable only to the person, or order, who is for the time being the head of the family to whom relief is afforded, but in no case to a greater amount than fifteen dollars per month, nor in any case for a greater sum per month than shall be actually necessary, taking into consideration the number, and pecuniary and other circumstances of the person or persons relieved, which orders shall be paid out of any moneys appropriated for that purpose.²—(§1876.)

Orders for relief to be given upon the county treasurer.

How paid.

(104.) SEC. 7. The board of supervisors are hereby authorized to adopt and enforce such rules and regulations, not inconsistent with the provisions of this act, as shall secure prompt relief to families and persons, and may modify the amount of relief from time to time afforded, by any supervisor or other officer, to any family or persons, as in their judgment the particular case may require, and as shall be just; and every supervisor and other officer shall be governed thereafter by such modification in the amount of relief or otherwise, and shall give no orders contrary to the terms of any such modification, nor shall the county treasurer pay a greater amount of orders drawn by any such supervisor or officer than that fixed at any time by the board of supervisors.³—(§1877.)

Rules and regulations relative to the relief of families.

(105.) SEC. 8. The relief hereby authorized to be afforded shall be and remain separate from, and independent of, the relief, temporary or otherwise, afforded to poor persons under existing laws.⁴—(§1878.)

Relief independent of the relief, afforded poor persons.

(106.) SEC. 9. This act shall be construed to authorize the relief of the families of all volunteer non-commissioned officers, musicians, and privates, enlisted from this State, and actually mustered into the military or naval service of the United States.⁵—(§1879.)

Persons entitled to relief.

(107.) SEC. 10. The common council of the city of Detroit shall appoint, on the recommendation of the mayor of said city, some suitable person, whose duty it shall be to afford such temporary relief as may be necessary for the support of such families as shall be entitled to relief under and by virtue of this act, or the act to which this is amendatory, in said city, not exceeding the sum of fifteen dollars per month, and not exceeding to any family or person the actual sum necessary, with his, her or their other means of support, to relieve such family or person; and said person so appointed shall discharge all the duties of all the aldermen of said city enjoined by this act, or the act to which this is amendatory, and in accordance with the rules specified therein; and such person may give orders upon the county treasurer of his county, payable only to the person, or order, who is for the time being the

Common council to appoint a person to afford temporary relief, etc.

¹ As amended by Act 173, Laws of 1863, p. 317, approved March 20, 1863.
² As amended by Act 14, Laws of 1862, p. 14, approved January 17, 1862.

Compensation of.	head of the family to whom relief is afforded. Such person so appointed shall be entitled to such compensation for his services as shall be determined by the supervisors of his county, to be audited, allowed and paid as other accounts against said county. ¹ — (§ 880.)
Term of office.	(108.) SEC. 11. The person so appointed shall hold his office for one year, and the term of his office shall expire and commence on the first Tuesday of May in each year. Before entering upon the duties of his office, such person shall execute a bond with good and sufficient sureties, to be approved by the common council, as required by section twenty-eight, chapter two, of the revised charter of the city of Detroit; and the common council shall from time to time require such additional bonds and sureties as they may deem proper, and any failure to make and execute such bonds shall vacate said office. ² — (§1881.)
Bonds.	
Additional bonds.	

Joint Resolution relative to the relief of the families of volunteers mustered from this State into the military or naval service of the United States or of this State, and declaratory of the meaning of act number one hundred and seventy-three of the Session Laws of eighteen hundred and sixty-three, passed for that purpose.

Laws of 1864, p. 142. Approved February 5, 1864.

(109.) Resolved by the Senate and House of Representatives of the State of Michigan, That act number one hundred and seventy-three of the Session Laws of eighteen hundred and sixty-three, entitled "An act to amend an act to amend an act entitled 'An act to provide for the relief, by counties, of the families of volunteers mustered from this State into the military service of the United States or of this State,' approved May fourth, eighteen hundred and sixty-one, and to add certain sections thereto," approved January seventeenth, eighteen hundred and sixty-two, was intended and is hereby declared to make it the duty of the board of supervisors of each organized county to make adequate provision for all requisite relief and support of the families within this State, of non-commissioned officers, musicians, and privates, enlisted or drafted from their counties, respectively, or substitutes for persons so drafted and mustered into the military or naval service of the United States or of this State, whether such families reside within the county where such enlistment was made and to which such soldier is credited, or not; but said act was not intended and shall not be construed to require or authorize the board of supervisors of any county, or any member thereof, to apply any part of the family relief fund of such county, or furnish relief to the family of any soldier credited by the military authorities to any other county or sub-district, or who belongs to any regiment or battery from any other State; and it shall be the duty of the supervisor of each township to furnish relief to the families of volunteers who are credited to such township: *Provided*, The families resided in this State at the time of the enlistment of the

Proviso.

¹ As added by Act 161 of the Laws of 1863, p. 205, approved and took effect March 19, 1863.

² As added by Act 184 of the Laws of 1863, p. 313, approved and took effect March 15, 1863.

volunteer, and are in circumstances entitling them to relief under the provisions of the act aforesaid.— (§1862.)

IX. SOLDIERS' AID FUND.

An Act to create a soldiers' aid fund for disabled Michigan soldiers, sailors, and marines, and Michigan men who have served in the late war in other State organizations, or in the forces of the United States, and to repeal act number thirty-one, Session Laws of eighteen hundred and sixty-three, entitled "An act for the relief of sick, disabled, and needy soldiers, approved February eighteenth, eighteen hundred and sixty-three;" also, act number thirty-six, Session Laws of eighteen hundred and sixty-seven, being an act to provide a temporary home for disabled Michigan soldiers, approved March eighth, eighteen hundred and sixty-seven; also, act number one hundred and fourteen of Session Laws of eighteen hundred and sixty-seven, entitled "An act to provide a soldiers' permanent home commission, and to define its duties," approved March twenty-sixth, eighteen hundred and sixty-seven; also, act number two hundred and twenty-eight of Session Laws of eighteen hundred and sixty-five, being an act making an appropriation for the soldiers' relief fund.

Laws of 1869, p. 52, approved March 16, 1869.

(110.) SECTION 1. That an amount not exceeding five thousand dollars per annum be and the same is hereby appropriated from the military fund, to be set apart and denominated the "Soldiers' Aid Fund," for the support and care of infirm, maimed, and needy Michigan soldiers, sailors, and marines, and Michigan men who enlisted from this State in other State volunteer forces, or the United States service, and were residents of this State at the time when said service was rendered; said assistance to be rendered at the Harper Hospital, in the city of Detroit or elsewhere, and to otherwise aid them; and also to assist, temporarily, destitute discharged soldiers, sailors, and marines of other States, in the discretion of the State Military Board.¹— (§960.)

(111.) SEC. 2. The State Military Board is hereby authorized to make the necessary contracts and arrangements for the maintenance, care, and support of Michigan soldiers and Michigan men, as specified in section one, at said Harper Hospital, or to grant them aid at their homes to an amount not exceeding contract rates for their maintenance at said Harper Hospital, of which they must previously have been inmates to entitle them to this aid outside of said hospital.— (§961.)

(112.) SEC. 3. Said board may also appoint a superintendent, assistant or assistants, and revoke such appointments at pleasure, and make rules and regulations for the admission, government, and dismissal of the beneficiaries herein provided for, and do all other acts and things necessary to carry out the objects of this act.— (§962.)

¹ As amended by Act No. 70, Laws of 1871, p. 89, and Act No. 115, Laws of 1873, p. 152.

Appropriation.

Name and purpose of fund.

Where assistance to be rendered. Soldiers of other States may be temporarily aided.

Authority of State Military Board.

Board may appoint superintendent, make rules, etc.

Admission to hospital.

Proviso.

When person admitted to make Adjutant General his attorney.

How money disbursed.

Board to keep records and report.

Acts repealed.

(113.) SEC. 4. It shall be the duty of the Adjutant General of this State to issue his order of admission to the soldier's home, at the Harper Hospital, as contemplated in section two of this act, or the State Military Board are hereby empowered to grant the same *pro rata* aid, in conformity with section two: *Provided, however,* that said soldier, sailor, or marine was in service during the late war for the suppression of the rebellion; was honorably discharged; and at the time of making such application, is sick, infirm, maimed, or otherwise unable to maintain himself, and under such other conditions as may be prescribed by said Military Board.—(§963.)

(114.) SEC. 5. Any person entitled to such order of admission, who is receiving, or is entitled to receive, a pension from the government of the United States, shall receive such order only on condition that he shall first constitute and appoint the Adjutant General his attorney during his stay at said home, to collect or procure such pension; and when such pension shall be collected by said Adjutant General, the same shall be paid over by him as follows: Two dollars to the person executing power of attorney, on the first Monday of each month, the remainder to his family; and in case he has no family, then to the State Military Board, to be used by them in defraying the expenses of said home.—(§964.)

(115.) SEC. 6. All disbursements of money for the objects sought by this act shall be under the direction of the State Military Board; and upon the requisition of said Board, the Auditor General shall draw his warrant or warrants for such sum or sums, not exceeding in all the appropriation hereby made, on the State Treasurer, who is hereby authorized to pay and charge the same to the soldier's aid fund. Said board shall keep a record of all their transactions in connection with said home and fund, and make annually, on the first day of December, a report to the Governor, of all moneys received and disbursed by them, together with such other facts and recommendations as said board may deem proper.—(§965.)

(116.) SEC. 7. The following acts are hereby repealed, viz: act number thirty-one, session laws of eighteen hundred and sixty-three, being "An act for the relief of sick, disabled, and needy soldiers," approved February eighteenth, eighteen hundred and sixty-three; act number thirty-six, session laws of eighteen hundred and sixty-seven, being "An act to provide a temporary home for disabled Michigan soldiers," approved March eighth, eighteen hundred and sixty-seven; act number one hundred and fourteen, session laws of eighteen hundred and sixty-seven, being "An act to provide a soldiers' permanent home commission, and to define its duties," approved March twenty-sixth, eighteen hundred and sixty-seven; act number two hundred and twenty-eight, session laws of eighteen hundred and sixty-five, being "An act making appropriations for the soldiers' relief fund," approved March eighteenth, eighteen hundred and sixty-five.—(§966.)

X. EDUCATION OF THE DEAF AND DUMB AND THE BLIND.

From act making appropriations in aid of the Asylum for the Deaf and Dumb and Blind, at Flint.¹

Laws of 1857, p. 216. Approved February 12, 1857. Took effect May 19, 1857.

(117.) SECTION 6. In cases where persons, residents of this State, who are deaf and dumb, or blind, but who, on account of their poverty, are unable to furnish themselves with suitable clothing and other necessary expenses for attending school at the Asylum for the Deaf and Dumb and the Blind, the board of trustees shall have discretionary power to render them such assistance, not exceeding forty dollars per annum for each person, and for that purpose may issue a certificate, directed to the Auditor General, that such amount is necessary for the benefit of such individuals, who shall draw his warrant upon the State Treasurer therefor; and any such sums are hereby appropriated and shall be paid out of any moneys in the general fund not otherwise appropriated, and the Auditor General shall charge all such moneys as drawn, to the county of which such person is a resident, or to which he or she belongs, to be collected and returned to the general fund as any State taxes are required to be by law.—(§1909.)

Assistance to be furnished in certain cases.

How paid.

Amount paid charged to counties.

An Act to provide for the education of certain poor persons in the "Michigan Institution for educating the Deaf and Dumb, and the Blind."

Laws of 1873, p. 148, approved April 17, 1873.

(118.) SECTION 1. *The People of the State of Michigan enact,* That the superintendents of the poor in each of the counties of this State in which there are, or shall be hereafter, any person or persons between the ages of ten years and twenty years, who shall possess a good natural intellect and a good moral character, and shall have no contagious disease, who shall be deaf and dumb, or blind, or partially deaf and dumb, or blind, and who shall be or shall become chargeable to said county, or to any township therein, shall cause any and all such persons to be taken to the "Michigan Institution for the education of the Deaf and Dumb, and the Blind," at the city of Flint, to be there educated as pupils in said Institution, in accordance with the rules and regulations thereof.

Duty of superintendents of the poor.

(119.) SEC. 2. Such superintendents of the poor shall, in every case, before taking or sending any person to said Institution, as provided in section one of this act, see that such person is in a state of perfect bodily cleanliness, and comfortably and decently clothed and provided with suitable changes of raiment; and they shall thereafter during the years that such person shall continue a pupil in said Institution, furnish him or her with such clothing and other articles of necessity and convenience as are, or may be

Provision relative to clothing, etc.

¹ Name changed to "The Michigan Institution for Educating the Deaf and Dumb and the Blind." See Compiled Laws of 1871, Sec. 1908.

Expenses, how paid.

Distribution of copies of this act.

Penalty for non-performance of duty.

by the rules and regulations of said Institution, required to be furnished for pupils therein; and shall provide for the payment of the necessary traveling and other expenses of such person in going to and from said Institution, and while remaining there; and if they shall allow such person to remain at said Institution during the yearly vacation, they shall pay for his board during such vacation.

(120.) SEC. 3. The expenses incurred by the superintendents of the poor of any county in carrying out the provisions of this act, shall be paid as other necessary expenses incurred by them in the discharge of their official duties are by law required to be paid.

(121.) SEC. 4. The Secretary of State shall as soon as practicable after the passage of this act, transmit four copies thereof to each of the county clerks of this State, each of whom shall file and preserve one of said copies in his office, and shall, immediately after the receipt thereof, deliver one of said copies to each of the superintendents of the poor of his county.

(122.) SEC. 5. If any of the officers herein named shall refuse or neglect to perform any of the duties required of him by this act, he shall, for every such neglect or refusal, be deemed guilty of a misdemeanor, and on conviction thereof shall be fined a sum not exceeding one hundred dollars.

XI. CARE AND SUPPORT OF INSANE PERSONS.

From act to provide for the organization, regulation, and management of the Asylums for the Insane, and effectually to provide for the care, maintenance, and recovery of the Insane.

Laws of 1877, p. 215. Approved May 22, 1877.

Asylums, how known.

Separate boards.

Eastern Michigan Asylum district.

Michigan Asylum district.

Trustees may establish by-laws and rules.

(123.) SECTION 1. *The People of the State of Michigan enact*, That at the asylum for the insane located at Pontiac shall be known as the Eastern Michigan Asylum, and the asylum located at Kalamazoo shall continue to be known as the Michigan Asylum for the Insane. The said asylums shall each be placed under the charge of a separate board of trustees.

(124.) SEC. 2. The district of the Eastern Michigan Asylum shall be composed of all counties lying east of the meridian line, or traversed by that line, excepting the counties of Jackson, Mackinaw, and Chippewa. The district of the Michigan Asylum for the Insane shall be composed of the remaining part of the State.

(125.) SEC. 13. The trustees are hereby directed and empowered to establish such by-laws as they may deem necessary and expedient for regulating the appointment and duties of officers, attendants, and assistants, for fixing the conditions of admissions, support, and discharge of patients, and for conducting in a proper manner the

business of the institution; also to ordain and enforce a suitable system of rules and regulations for the internal government, discipline, and management of the asylums.

(126.) SEC. 20. The treasurer of the asylum shall be vested with the same powers, rights, and authority which are now by law given to superintendents of the poor in any county or town of the State, so far as may be necessary for the indemnity or benefit of the asylum, and for determining the settlement of any insane person that may be sent to the asylum by an order of a judge of probate, and also for the purpose of compelling a relative or committee to defray the expense of an insane person's support in the asylum, and reimburse actual disbursements for his necessary clothing and traveling expenses, according to the by-laws of the institution; also for coercing the payment of similar charges when due, according to said by-laws, from any town, city or county that is liable for the support of any insane person in said asylum. Said treasurer is also authorized to recover, for the use of the asylum, any and all sums which may be due upon any note or bond in his hands belonging to the asylum; also any and all sums which may be charged and due, according to the by-laws of the asylum, for the support of any patient therein, or for actual disbursements made in his behalf, or for necessary clothing and traveling expenses, in an action to be brought in said treasurer's name as treasurer of the asylum, and which shall not abate by his death or removal, against the individual, town, city, or county legally liable for the maintenance of said patient, and having neglected to pay the same when demanded by the treasurer; in which action the declaration may be in a general *indebitatus assumpsit*, and judgment shall be rendered for such sum as shall be found due, with interest from the time of demand made as aforesaid. Said treasurer may also, upon the receipt of the money due upon any mortgage in his hands belonging to the asylum, execute or release and acknowledge full satisfaction thereof, so that the same may be discharged of record.

(127.) SEC. 21. The steward, under the direction of the medical superintendent, shall make all the purchases for the asylum, and preserve the original bills and receipts thereof, and keep full and accurate accounts of the same, and copies of all orders drawn by himself upon the treasurer. He shall also, under like direction, make contracts in the superintendent's name with the attendants and assistants, and keep and settle their accounts. He shall also keep the accounts of the support of patients, and expenses incurred in their behalf, and furnish the treasurer every month with copies of such as fall due. He shall also be accountable for the careful keeping and economical use of all furniture, stores, and other articles provided for the asylum.

(128.) SEC. 22. As soon as the Eastern Michigan Asylum shall be ready for the admission of patients, the board of trustees shall cause notice thereof to be published for two weeks in some paper of the State, and four copies sent to the clerk of every county, who

Vested with powers of superintendents of poor.

Other powers.

Steward, powers and duties.

Notice when Eastern Asylum ready for admission of patients.

shall transmit copies thereof to the superintendents of the poor of said county by mail. A circular from the medical superintendent shall accompany said notice to each county clerk, and to the superintendents of the poor.

County superintendents and supervisors to send insane persons to asylum.

(129.) SEC. 23. The county superintendents of the poor of any county, or any supervisor of any city or town to which a person who shall become insane may be chargeable, shall send such person to the asylum by an order under their hands: *Provided*, The question of insanity shall not be decided by said superintendents or supervisor: *[And provided further]*, That the asylum can receive said person.

Confinement of insane persons, etc.

(130.) SEC. 24. No insane person, or person disordered in his senses, shall be confined in the same room with any person charged with or convicted of crime; nor shall such person be confined in any jail more than ten days.

Penalty for confining insane person contrary to law.

(131.) SEC. 25. Any director of the poor, constable, or keeper of a jail, or other person, who shall confine any such insane person in any other manner or in any other place than such as are herein prescribed, shall be deemed guilty of a misdemeanor, and on conviction, shall be liable to a fine not exceeding two hundred and fifty dollars, or to imprisonment not exceeding one year, or to both, in the discretion of the court before whom [which] the conviction shall be had.

How persons in indigent circumstances may be sent to asylums.

(132.) SEC. 26. When a person in indigent circumstances, and no pauper, becomes insane, application may be made in his behalf to the probate judge of the county where he resides; and said probate judge shall call two respectable physicians, and other credible witnesses, and also immediately notify the prosecuting attorney of his county, and the supervisor of the township or ward in which such insane person resides, of the time and place of meeting, whose duty it shall be to attend the examination and act in behalf of said county; and said probate judge shall fully investigate the facts in the case, and either with or without the verdict of a jury, at his discretion, as to question of insanity, shall decide the case as to his indigence, but the decision as to indigence shall not be conclusive in such county; and if the probate judge certifies that satisfactory proof has been adduced, showing him insane, and his estate is insufficient to support him and his family, or if he has no family, himself, under the visitation of insanity, on his certificate under the seal of the probate court of said county, he shall be admitted into the Asylum, and supported there at the expense of the county to which he belongs, until he shall be restored to soundness of mind, if effected in two years, and until otherwise ordered. The judge of probate in such case shall have power to compel the attendance of witnesses and jurors, and shall file the certificates of the physicians, taken under oath, and other papers, in his office, and enter the proper order in his [the] journal of the probate court in his office. The judge of probate shall report the result of his proceedings to the supervisors of his county, if such person belongs to that county, whose duty it shall be, at the next annual meeting thereafter, to raise money requisite to meet the expenses of support accordingly.

(133.) SEC. 27. County and town officers and all persons having charge of insane persons as above, shall see to carrying into effect so much of this act as refers to the removal to and maintenance in the Asylum, of said insane persons, within such time and under such regulations as shall be provided by [the] by-laws.

Duty of officers. Minute of date of reception, name, etc., to be made by superintendent.

(134.) SEC. 28. The medical superintendent shall make, in a book kept for that purpose, at the time of reception, a minute with date of same, the name, residence, office, and occupation of the person by whom, and by whose authority each insane person is brought to the Asylum; and have all the orders, warrants, requests, certificates, and other papers accompanying him forthwith filed.

(135.) SEC. 29. When an insane person in indigent circumstances shall have been sent to the Asylum by his friends, who have paid his bills therein for three months, if the superintendent shall certify he is a fit patient, the supervisors of the county of his residence are authorized and required, upon an application under oath in his behalf, to defray the expenses of his remaining there until otherwise ordered.

Expenses of persons in indigent circumstances paid by county in certain cases.

(136.) SEC. 30. When a person shall have escaped indictment, or shall have been acquitted of a criminal charge, upon trial, on the ground of insanity, the court, being certified by the jury or otherwise of the fact, shall carefully inquire and ascertain whether his insanity in any degree continues, and if it does, shall order him in safe custody, and to be sent to the Asylum. If such person be sent to the Asylum, the county from which he is sent shall defray all his expenses while there, and of sending him back if returned; but the county may recover the amount so paid from his estate, if he have any, or from any relative, town, city, or county that would have been bound to provide for and maintain him elsewhere.

When person is acquitted of criminal charge on ground of insanity.

(137.) SEC. 31. If any person in confinement under indictment, or under sentence of imprisonment, or under criminal charge, or for want of bail for good behavior or keeping the peace, or to appear as a witness, or in consequence of any summary conviction, or by order of any justice, or under any other than civil process, shall appear to be insane, the circuit court commissioner of the county where he is confined, or, if he be absent, the judge of the circuit court shall, upon the application of the prosecuting attorney, institute a careful investigation, call two respectable physicians and other creditable witnesses, whom he is authorized to swear as such; and if it be satisfactorily proved that he is insane, said commissioner or judge may relieve him from such imprisonment, and order his safe custody and removal to the asylum, where [he] shall remain until he is restored to his right mind, and then the superintendent shall inform the said commissioner or judge, and the county clerk and prosecuting attorney of said county, so that the person so confined may, within sixty days thereafter, be remanded to prison and criminal proceedings be resumed or otherwise discharged, or, if the time of his sentence shall have expired, he shall be discharged. The provisions of the last preceding section, requiring the county to defray the expenses of a patient sent to the Asylum, shall be

When person confined under criminal charges, etc., appears to be insane.

equally applicable to similar expenses arising under this section and to one next following.

(138.) SEC. 32. If a person imprisoned on attachment, or any civil process, or for the non-payment of a militia fine, becomes insane, the commissioner in the last preceding section of this act, shall institute like proceedings in his case as required in the case provided for in said section; but notices shall be given in such case, by mail or otherwise, to the plaintiff or his attorney, if in the State; and if it shall be proved to the satisfaction of such commissioner that the prisoner is insane, he may discharge him from imprisonment, and order him into safe custody, and to be sent to the Asylum; nevertheless, the creditor may renew his process, and arrest again his debtor when of sound mind.

(139.) SEC. 33. Persons charged with misdemeanors, and acquitted on the ground of insanity, may be kept in custody, and sent to the Asylum in the same way as persons charged with crime.

(140.) SEC. 34. The rate of charge per week to be paid for the board and necessary treatment of all patients of the Asylums, who are residents of this State, shall be annually fixed by the trustees of the Asylums, and shall not exceed the actual cost of support and attendance, exclusive of officers' salaries; but this provision shall not be construed so as to prevent the furnishing extra care and attendance to patients by special contracts with parties chargeable therefor.

On the first day of January, in the year eighteen hundred and seventy-nine, and at the close of each succeeding quarter, the medical superintendents of the Asylums, shall certify to the Secretary of State, the name, age, and residence of all patients under treatment, the expense of whose maintenance shall have been exclusively paid by any county for two years continuously, and such patients shall thereafter be maintained by the State. The

bills for the maintenance, clothing and other charges of such patients, shall be rendered quarterly to the Auditor General in the same manner as bills are rendered to county treasurers for the support of patients at county charge, and shall be paid by the State Treasurer to the treasurers of the Asylums in which the patients may be, on the warrant of the Auditor General, out of any moneys belonging to the general fund.

(141.) SEC. 35. Every insane person supported in the Asylum, except those provided for in section thirty-four, shall be personally liable for his maintenance therein, and for all necessary expenses incurred by the institution in his behalf; and the committee, relatives, city, town, or county that would have been bound by law to provide for and support him, if he had not been sent to the Asylum, shall be liable to pay the expenses of his clothing and maintenance in the Asylum, and actual necessary expenses to and from the same.

(142.) SEC. 36. The expenses of clothing and maintaining in the Asylums a patient who has been received upon the order of any court or officer, shall be paid by the county from which he was sent to the Asylum, except those provided for in section thirty-four. The treasurer of said county is authorized and directed to pay to

When person imprisoned on civil process, etc., becomes insane.

Persons charged with misdemeanors and acquitted.

Weekly charges for patients.

Quarterly statement to Secretary of State of persons to be maintained by State.

Bills rendered quarterly to Auditor General.

Payment by State Treasurer.

Insane persons personally liable for their support.

Relatives, city, etc., liable.

Payment for support by counties.

the treasurer of the Asylum the bills for such clothing and maintenance, as they shall become due and payable according to the by-laws of the Asylum, upon the order of the steward; and the supervisors of said county shall annually levy and raise the amount of such bills, and such further sum as will probably cover all similar bills for one year in advance. Said county, however, shall have the right to require any individual, town, or city that is legally liable for the support of such patient, to reimburse the amount of said bills with interest from the day of paying the same.

(143.) SEC. 37. Whenever the trustees shall order a patient moved from the Asylum to the county whence he came, the superintendents of the poor of said county shall audit and pay the actual and reasonable expenses of such removal out of the county poor fund. But if any town or person be legally liable for the support of such patient, the amount of such expenses may be recovered for the use of the county, by such superintendents. If said superintendents of the poor neglect or refuse to pay such expenses on demand, the treasurer of the Asylum may pay the same and charge the amount to the said county, and the treasurer of the said county is authorized to pay the same, with interest after thirty days; and the supervisors of said county shall levy and raise the amount as other county charges.

(144.) SEC. 38. Every town or county paying for the support of an insane person in the Asylum, or for his expenses in going to or from the same, shall have the like rights and remedies to recover the amount of such payments, with interest from the time of paying each bill, as if such expenses had been incurred for the support of the same at other places under existing laws.

(145.) SEC. 39. A patient of the criminal class may be discharged by order of one of the justices of the Supreme Court or a circuit judge if, upon due investigation, it shall appear safe, legal, and right to make such order.

(146.) SEC. 40. No patient shall be discharged without suitable clothing; and if it cannot otherwise be obtained the steward shall, upon the order of the trustees, furnish it; also money not exceeding twenty dollars, to defray his expenses until he reaches his friends, or can find an opportunity to earn his subsistence.

(147.) SEC. 41. All town and county officers sending a patient to the Asylum shall, before sending him, see that he is in a state of perfect bodily cleanliness, and is comfortably clothed and provided with suitable changes of raiment as prescribed in the by-laws; and shall provide a female attendant to every female patient, unless accompanied by her husband, father, brother, or son.

(148.) SEC. 42. Whenever an indigent insane person has been sent to the Asylum by a probate judge as having gained a legal settlement in some county of this State other than that in which such judge resides, the treasurer of the Asylum shall, within ten days after such person has been admitted, give notice to the superintendents of the poor of the county to which it is alleged that such indigent insane person belongs of the facts in the case, and that the expenses of the support of such person will be charged to that

Payment of expenses for removal from asylum back to counties.

Right of committees, etc., to recover for support of insane.

Who may discharge patients of a criminal class.

Patients not to be discharged without suitable clothing, etc.

Duty of county officers, etc., as to condition of patients sent to asylums.

Expenses for support when residence is uncertain, how determined.

Appeal.

county, unless such superintendents shall, within such time as the treasurer may appoint, not less than twenty days nor more than thirty days thereafter, show that such county ought not to be so charged; and on application, said treasurer shall examine the matter, and hear all the testimony in relation thereto, and shall decide the question, which decision shall be final, unless an appeal shall be taken from such decision within sixty days to the circuit court by the county so charged by such treasurer with such support, and said court shall have full power to hear, try, and determine the matter. The prosecuting attorney of the proper county, on demand of the superintendents of the poor, is hereby authorized to take the appeal.

Provision for payment of expenses when counties neglect or refuse to pay.

Notice to county clerk.

Payment by State Treasurer.

Charged back to county.

Compensation of trustees.

Superintendents of the poor, etc., to report to Secretary of Board of State Charities.

(149.) SEC. 43. In case any county in this State shall neglect or refuse to pay the amount due the Asylum for the treatment and maintenance of persons admitted from such county, in accordance with the provisions of this act, it shall be the duty of the medical superintendent to make out a statement of the facts, giving the number of persons, name of each, and number of weeks' treatment and maintenance for which payment is due, and the amount of the same to be verified upon his oath, a copy of which he shall send to the clerk of the county from which such money is due; and if the same shall not be paid within sixty days after giving such notice to the said county clerk, he shall transmit the statement to the Auditor General, who shall draw his warrant upon the State Treasurer for the amount, together with the interest thereon, to be computed from the time the same became due the Asylum, and charge the same back to the said county, to be assessed, collected, and returned with and in the same manner that other State taxes are assessed, collected, and returned.

(150.) SEC. 44. The trustees of the Asylum shall receive no compensation for their services, but shall receive their actual and reasonable traveling expenses, to be paid by the State Treasurer on the warrant of the Auditor General, on the rendering of their accounts, verified by their oaths, respectively, out of any money to the credit of the general fund not otherwise appropriated.

(151.) SEC. 45. The superintendents of the poor of each county in the State shall transmit to the Secretary of the Board of State Charities on the first day of July, in the year eighteen hundred and seventy-seven, the name and age of each insane person in the poorhouse of the county or elsewhere, receiving county aid in any form. Every county, city, or town officer, to whom application for aid in behalf of any insane person shall be made after the date before mentioned, shall at once report the name and age of such insane person to the Secretary of the Board of State Charities. The medical superintendent of the asylum shall report quarterly to the Secretary of the Board of State Charities the name and age of all patients supported at State or county charge. After the date above mentioned all the officers named in this section shall report to the Secretary of the Board of State Charities the date and circumstances attending the discharge, removal, elopement, or death of all insane persons receiving aid or supported at county or State

charge. The Board of State Charities shall provide for the careful registry by their secretary of all facts communicated in compliance with the requirements of this section.

(152.) SEC. 46. When an indigent insane person shall be brought before a judge of probate for examination, as provided in section twenty-six of this act, such judge shall also inquire into the settlement of such person, and if it shall appear that such person is in indigent circumstances, and has not sufficient means for his support, and has not a legal settlement in the county of such judge, but has gained a legal settlement in some other county of this State according to the provisions of sections eighteen hundred and forty-eight and eighteen hundred and forty-nine of the compiled laws, said judge shall make two statements of his proceedings and decision, and shall certify to the correctness thereof, under the seal of the probate court, and transmit one copy, with the other proceedings, to the treasurer of the asylum, who shall preserve the same in his office; which statement shall be admitted as *prima facie* evidence of the matter therein stated in any hearing that may be had before said treasurer in relation thereto, and shall file the other copy with the county clerk of his county. The probate judge shall have the same powers in determining the settlement of an indigent insane person as is conferred upon him in section twenty-six of this act. If, on the examination herein provided for, it shall satisfactorily appear that said insane person has not acquired a legal settlement in any county in this State, the judge of probate shall forward a certified copy of all the testimony in the case to the Secretary of State. The bills for the maintenance of such insane person shall be rendered quarterly to the Auditor General, at the same time and in the same manner as bills are rendered to county treasurers, and shall be paid to the treasurer of the asylum to which the insane person may be sent, by the State Treasurer, on the warrant of the Auditor General, out of any moneys belonging to the general fund. It shall be the duty of the Secretary of State to ascertain, if possible, through the testimony filed or otherwise, the actual residence of such insane person, return him thereto, and request reimbursement for all expenses incurred by the State; the expenses attending such return to be settled by the Board of State Auditors.

(153.) SEC. 47. It shall be the duty of the board [boards] of trustees to meet jointly once or more every year at each asylum, to adjust all questions that may arise pertaining to said institutions, and the said joint board acting under such rules and by-laws as they may adopt, by and with the advice and consent of the medical superintendents, may transfer patients from the Michigan Asylum for the Insane to the Eastern Michigan Asylum, and from the Eastern Michigan Asylum to the Michigan Asylum for the Insane, if for any cause it may become necessary or desirable.

(154.) SEC. 48. The terms "insane or insane person," as used in this act, include every species of insanity, and extend to every deranged person, and to all of unsound mind, other than idiots; and the word oath includes "affirmation;" "institution" may

Judge of probate to inquire into legal settlement of indigent insane.

Statements relative thereto.

When insane person has not acquired a legal settlement in any county.

Payment of bills.

Secretary of State to ascertain residence if possible, etc.

Joint meetings of board of trustees.

Transfer of patient from one asylum to the other.

Certain terms used in this act, what to include.

mean either the Michigan Asylum or the Eastern Michigan Asylum, and "institutions" mean both of the said asylums. A word denoting the singular number is to include one or many; and every word importing the masculine gender may extend to and include females. Every provision of this act applies equally to the Michigan Asylum for the Insane and the Eastern Michigan Asylum, excepting where one or the other are especially designated.

When Eastern Asylum shall be opened no insane to be confined in almshouses.

(155.) SEC. 49. After the Eastern Michigan Asylum shall have been opened for patients, and room shall be sufficient for all the insane wards of the State, then and thereafter it shall be illegal for county superintendents of the poor, or for any other authority whatever, to consign to the county almshouses any insane person.

When requirements to send insane to Eastern Asylum to take effect.

(156.) SEC. 50. The requirements for sending the insane to the Eastern Michigan Asylum, shall take effect as soon as the trustees' notice of the Asylum being ready as aforesaid, shall have been published for two weeks, as provided in this act.

Acts repealed.

(157.) SEC. 51. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Act relative to the care of persons insane at the expiration of their term of sentence at any of the penal institutions of this State, or the Detroit House of Correction.

Laws of 1877, p. 168. Approved May 22, 1877.

Notice to be given before issue convict is discharged.

(158.) SECTION 1. *The People of the State of Michigan enact,* That before discharging any convict at the time of the expiration of his sentence from any of the penal institutions of this State who may be deemed insane, and so certified by the physician in charge of any such institution, if no relative or friend of [any] such convict appears and takes charge of him, the warden or other superintending officer shall first give notice in writing to the county clerk of the county from which such convict was sent, and to one or more of the relatives or friends of such convict, if known, and also to the probate judge of the county in which such penal institution is located of the fact of his condition; and on the receipt of such written notice said judge shall, within twenty days, issue his warrant to the sheriff of such county, commanding him to receive such convict at the time of his discharge at the said institution, and bring him before such judge.

Probate judge to issue warrant to sheriff.

Duty of sheriff on receipt of warrant.

(159.) SEC. 2. Upon the receipt of such warrant it shall be the duty of said sheriff to whom it is directed to execute the same forthwith, and return the same to the probate judge by whom it was issued.

Proceedings before judge of probate.

(160.) SEC. 3. On such discharged convict being brought before the judge of probate aforesaid, such judge shall call two respectable physicians, and other credible witnesses, and also immediately notify the prosecuting attorney of his county of the time and place of meeting, whose duty it shall be to attend the examination and act in behalf of the State; and said probate judge shall fully investigate the facts in the case, either with or without a jury, as to the question of insanity, and if the probate judge certifies that satisfactory proof has been adduced showing him insane, and no relative

When to be admitted to Asylum at expense of State.

[relation] or friend of such discharged convict has, in the meantime, appeared and offered to take charge of him, on the certificate of such judge, under the seal of the probate court of said county, he shall be admitted into one of the asylums for the insane in this State, and supported there at the expense of the State until he shall be restored to soundness of mind, or until removed by due process of law, or taken charge of by his relatives or friends. The probate judge, in such examination, shall have power to compel the attendance of witnesses and jurors, and shall file the certificates of the physicians, taken under oath, and other papers, and enter the proper order in the journal of the probate court in his office. Said probate judge shall report the result of his proceedings to the Board of State Auditors, whose duty it shall be to audit and allow the expenses of such proceedings [proceeding], to be paid by the State Treasurer, on the warrant of the Auditor General: *Provided*, That if such discharged convict shall not be in indigent circumstances, the treasurer of such Asylum shall take all necessary proceedings to reimburse the State for his support at such Asylum from his property, or such of his relatives as may be liable for his support.

Judge to report to Board of State Auditors.

Expense of proceedings, how paid. Proviso.

XII. SUPERVISION OF CHARITABLE, PENAL, PAUPER, AND REFORMATORY INSTITUTIONS.

An Act to provide for the appointment of a Board of Commissioners for the General Supervision of Penal, Pauper, and Reformatory Institutions, and defining their duties and powers.

Laws of 1871, p. 321. Approved April 17, 1871.

(161.) SECTION 1. *The People of the State of Michigan enact,* That the Governor, with the advice and consent of the Senate, shall appoint four suitable persons, residents of the State, to be called and known as "The Board of State Commissioners for the General Supervision of Charitable, Penal, Pauper, and Reformatory Institutions," who shall hold their office respectively for the period of two, four, six, and eight years, as indicated by the Governor in making the appointments; and all appointments thereafter made, except to fill vacancies, shall be for the period of eight years. The Governor shall be *ex officio*, a member of said board. Any vacancy occurring in said board, by reason of removal, resignation, or otherwise, shall be filled by the Governor; the appointment in any case thus made to be subject to ratification or rejection by the Senate at the first regular session following such appointment. The Governor may remove any member of said board for misfeasance or malfeasance in office. (*§8191.*)

Appointment.

Name of Board.

Term of office.

Governor ex officio member of board. Vacancies.

Removal.

¹ As amended by act No. 64, p. 73, Laws of 1873.

Oath of office.

Secretary.

Duties of Commissioners relative to examination of poor-houses, etc.

May examine employees, etc., under oath.

Compensation.

Expenses.

Proviso.

Members of board and Secretary not to be interested in contract for building, etc.

(162.) SEC. 2. Before entering upon the discharge of their duties, each of the said Commissioners shall take and subscribe before the Secretary of State, who shall file the same in his office, the constitutional oath of office. The said Commissioners shall have power to appoint a secretary, not of their number, whose duties they may prescribe, and whose salary they may establish and determine.— (§192.)

(163.) SEC. 3. The said Commissioners, by one of their number, or by their secretary shall, at least once in each year, visit and examine into the condition of each and every of the city and county poorhouses, county jails, or other places for the detention of criminals or witnesses; and the said board or a majority thereof, with their secretary shall, at least once in each year, visit and examine the Reform School, State Prison, Detroit House of Correction, and State and county asylums for the insane, and the deaf, dumb, and blind, and for the purpose of ascertaining the actual condition of the institutions by them or by either of them visited, the method of instruction, government or management therein pursued, the official conduct of the superintendents or other officers and employes in charge thereof, or connected therewith, the condition of the buildings, grounds or other property thereunto belonging, and the facts as to all other matters in any manner pertaining to the usefulness and proper management of the institutions, poorhouses, and jails above named. They, or either of them, and their secretary, shall have free access thereto at any and all times, and shall have authority to administer oaths and examine any person or persons in any way connected with or having knowledge of the condition, management, and discipline of such institutions, jails, or poorhouses, as to any matters or inquiries not contrary to the purposes or provisions of this act.— (§193.)

(164.) SEC. 4. The said commissioners shall receive no compensation for their time or services, except as hereinafter particularly provided; but the actual expenses of each of them, while engaged in the performance of their duties under this act, and any actual outlay for stationery, office-rent, or any necessary aid or assistance required in examinations or investigations, on being fully stated in account and verified by the affidavit of the Commissioner or Commissioners making the charge, or the affidavit of their secretary, and approved by the Governor, shall be paid quarterly by the State Treasurer, on the warrant of the Auditor General, out of any money in the treasury not otherwise appropriated; and the secretary of said board shall be paid in like manner: *Provided*, That the entire expense of said board or commission, and the salary and traveling expenses of their secretary, shall not exceed the sum of five thousand dollars per annum, exclusive of the sum mentioned in section seven of this act.— (§194.)

(165.) SEC. 5. No member of said board, or their secretary, shall be either directly or indirectly interested in any contract for building, repairing, or furnishing any institution, poor-house, or

¹ As amended by Act No. 64, p. 73, Laws of 1873.

jail, which by this act they are authorized to visit and inspect; nor shall any officer of such institution, jail, or poor-house, be eligible to the office of Commissioner, hereby created.— (§195.)

(166.) SEC. 6. On or before the first day of October, in the year eighteen hundred and seventy-two, and in each second year thereafter, the said board shall report in writing to the Governor, fully, the result of their investigation, together with such other information and recommendations as they may deem proper, including their opinions and conclusions as to the necessity of further legislation to improve the condition and extend the usefulness of the various State, county, and other institutions by them visited; and the said Commissioners, or either of them, shall make any special investigation into alleged abuse in any of the institutions which by this act they are authorized to visit, whenever the Governor shall so direct, and report the result thereof to him at such reasonable time as he shall prescribe. And whenever any abusive treatment of those confined in any of said institutions shall come to the knowledge of said Commissioners which, in their opinion, requires immediate attention and redress, they shall forthwith report the facts of such abusive treatment to the Governor, with such recommendations for the correction of the same as they shall deem proper.— (§196.)

(167.) SEC. 7. And the said board, in addition to the duties above prescribed, shall make a thorough examination of all the penal, criminal, or other laws of the State relating to the penal or reformatory institutions by them to be visited, or in any wise relating to the custody and punishment of criminals, and the care and confinement of the county poor and pauper insane, for the purpose of a revision of such laws by the Legislature, at the first regular session following the passage of this act; and to accomplish this end, said board shall collect together all acts and parts of acts in any manner appertaining to the control, punishment, and reformation of criminals, and to the care and custody of the county poor and pauper insane, and shall report the same fully to the Governor on or before November first, eighteen hundred and seventy-four, together with such revision, amendments, and suggestions for the improvement thereof as to such board shall be deemed necessary and expedient; the report thus made to be submitted to the Legislature by the Governor. The Secretary of State is hereby required to furnish said board with so many copies of the statutes and laws as in the judgment of the Governor may be required in the accomplishment of said work. And said board, for the time actually required in the discharge of the duty imposed by this section, shall be entitled to demand and receive such reasonable compensation as shall be approved by the Governor, not exceeding the sum of two thousand dollars, which shall be paid in the manner heretofore provided for the payment of their actual traveling and other necessary expenses.— (§197.)

(168.) SEC. 8. Nothing in this act shall be construed as impairing the authority or interfering with the duties of the Board of

¹ As amended by Act No. 64, p. 73, Laws of 1873.

Inspectors of the State Prison and the Board of Control of the Reformatory School, or with the duties of the board of control, trustees, commissioners, or inspectors of any other charitable, penal, or reformatory institution of this State.—(\$8198.)

Visiting of similar institutions for the purpose of gaining information.

(169.) SEC. 9. Whenever the Governor shall deem it advisable and expedient to obtain information in respect to the condition and practicable workings of charitable, penal, pauper, and reformatory institutions in other States, he may authorize and designate any member of said board, or the secretary thereof, to visit such institutions in operation in other States, and by personal inspection to carefully observe and report to said board on all such matters relating to the conduct and management thereof as may be deemed to be interesting, useful, and of value to be understood in the government and discipline of similar institutions in this State.¹

Idem.

(170.) SEC. 10. The Governor may appoint one or more suitable females, who shall, in behalf of said board, personally visit and inspect such of the aforesaid State or county institutions as said board shall designate, and inquire into the condition and treatment of the inmates therein, and especially investigate the provision made for women, and children of tender years, with the method of instruction, and the means used for their cure or reformation. Said female visitors shall receive no compensation for their time or services; but the actual traveling expenses of each of them, verified as heretofore provided for the accounts of members of this board, and approved by the Governor, shall be paid in the same manner, and out of the moneys provided for the expenses of said board. Said female visitors shall from time to time report to the board the results of their investigation.¹

XII. I. CARE AND SUPPORT OF DEPENDENT AND NEGLECTED CHILDREN.

An Act to establish a State Public School for Dependent and Neglected Children. Laws of 1871, p. 280. Approved April 17, 1871.

Appointment of commissioners to select site, etc.

(171.) SECTION 1. *The People of the State of Michigan enact,* That the Governor shall appoint three commissioners for the purpose of selecting a suitable site and erecting thereon buildings for a State School or temporary home for dependent and neglected children, such institution to be known as the "State Public School."—(\$3773.)

Powers of commissioners.

(172.) SEC. 2. The said commissioners shall have power to receive proposals for the donation of land to the State for such site, and to receive the same by gift, or they may purchase such site if no proper location shall be given for that purpose, and they

¹As added by Act No. 64, p. 73, Laws of 1873.

may receive proposals for donations of money or other securities, in behalf of this State, for the benefit of such School, and they may locate the same at such point as they shall deem for the best interests of this State. They shall receive no pay for their services under this act, except their traveling and other official expenses. That the Governor shall be *ex officio* a member of said board.—(\$3774.)

Compensation.

Governor ex officio member.

(173.) SEC. 3. That the deeds for such site shall be duly executed to the people of this State and delivered to the Auditor General, and the State Treasurer thereupon is hereby directed to pay, on the warrant of the Auditor General, to such grantor of whom such site shall be purchased, in case of the purchase of the same, such sums of money as may be required to pay for the site: *Provided*, That not over two thousand dollars shall be paid for that purpose. That said commissioners shall at their first meeting appear from their number a secretary and treasurer.—(\$3775.)

Payment for site and deeds for same.

Proviso. Secretary and treasurer.

(174.) SEC. 4. That the sum of fifteen thousand dollars for the year eighteen hundred and seventy-two, and fifteen thousand dollars for the year eighteen hundred and seventy-three, is hereby appropriated for the purpose of carrying into effect the provisions of this act, which said sums the Auditor General shall add to and incorporate in the State tax for the years eighteen hundred and seventy-one and eighteen hundred and seventy-two, and, when collected, shall be passed to the credit of the State Public School fund, and may be drawn by the treasurer of said commissioners upon warrants made by their secretary, approved by commissioners, and countersigned by the Governor.—(\$3776.)

Appropriation.

Provisions to meet appropriation.

(175.) SEC. 5. It shall be the duty of the secretary of said commissioners to render, quarter-yearly, to the Auditor General accounts current of all cash transactions, and all moneys received, with the proper vouchers; and no money shall be drawn by virtue of this act by said commissioners unless they shall have first filed with the Auditor General an estimate and statement, showing the purpose for which such money is required.—(\$3777.)

Quarterly account to Auditor General.

Condition precedent to drawing money.

(176.) SEC. 6. The said commissioners shall have the superintendence of the grounds, and the design and construction of the necessary buildings, with power to appoint an architect, superintendent, and other necessary agents and assistants, and to fix the compensation for their services, subject to the approval of the Governor. The principal building shall have a capacity for not less than one hundred children.—(\$3778.)

Superintendence of construction, etc.

Capacity of building.

(177.) SEC. 7. Said commissioners, before they enter upon the duties of their office, shall each take and subscribe the constitutional oath of office, and file the same in the office of the Secretary of State, and the treasurer of said commissioners shall give his bond to the people of this State in the penal sum of ten thousand dollars, with two or more sufficient sureties approved by the Governor, conditioned for the faithful performance of the duties required of him, and to properly account for all moneys received by him under this act.—(\$3779.)

Oath of office.

Bond of treasurer.

Certificate of completion.

Public notice of same and temporary control of school.

Appointment of board of control.

Term of office.

Corporate name and rights.

Board of control to meet quarterly.

Bond of treasurer.

Government of school.

Officers for school.

(178.) SEC. 8. When the State Public School shall be finished, the said commissioners shall make under their hands a certificate thereof, which shall be transmitted to the Governor, who shall thereupon give public notice that the same is ready for the reception of dependent and neglected children. That after the completion of State Public School building, and until the last day of the session of the Legislature next succeeding such completion, said commissioners shall have the control and government of said State Public School, with the same authority and duties as are given to the board named in section nine of this act.—(\$3780.)

(179.) SEC. 9. The general supervision and government of said State Public School shall be vested in a board of control, to consist of three members, who shall be appointed by the Governor, by and with the advice and consent of the Senate, the members of which board shall hold their offices for the respective terms of two, four, and six years, from the last day of the session of the Legislature next after the completion of said State Public School building, and until their successors shall be appointed and qualified, said respective terms of office to be designated in their several appointments; and thereafter there shall be one of said board appointed every two years, whose term of office shall continue for six years, or until his successor is appointed and qualified. The members of said board shall constitute a body corporate, under the name and style of the "Board of Control of the State Public School," with the right of suing and being sued, of making and using a common seal, and altering it at pleasure. That said board of control shall have the power of taking and holding by purchase, gift, donation, devise, or bequest, real or personal estate to be applied to the use of the institution.—(\$3781.)

(180.) SEC. 10. It shall be the duty of said board of control to meet once in three months on its own adjournments, and oftener if necessary; that the said board shall elect from its own number, a president, secretary, and treasurer, each of whom shall hold his office during the pleasure of said board; that the said treasurer shall give his bond to the people of this State, with two or more sufficient sureties to be approved by said board and the Governor, in the penal sum of at least ten thousand dollars, or in such additional penal sum as said board may require, conditioned for the faithful performance of the duties required of him by law, and to account for and pay over as required by law, all moneys received by him as such treasurer. The said board of control shall establish a system of government for the institution, and shall make all necessary rules and regulations for enforcing discipline, imparting instruction, preserving health, and for the [proper] physical, intellectual, and moral training of the children. The said board shall appoint a superintendent, a matron, and such other officers, teachers, and employes as shall be necessary, who shall severally hold their offices or places during the pleasure of said board, and that said board shall prescribe their duties, and fix their salaries, subject to the approval of the Governor.—(\$3782.)

¹ As amended by act No. 58, p. 52, Laws of 1875.

(181.) SEC. 11. There shall be received as pupils in said school those children who are declared dependent on the public for support, as provided in this act, who are over three and under fourteen years of age, and who are in suitable condition of body and mind to receive instruction. That said board is authorized in admitting children, to give preference to those under twelve years of age. That those admitted, unless sent from the institution as provided by this act, shall be retained until they are sixteen years of age and may be retained after that age, in the option of said board, until a home is procured for them. That said board is authorized to return to the county sending it any child, when it shall become sixteen years of age, and no home has been procured, or whenever after its admission it shall be ascertained to the satisfaction of said board that the child was of unsound mind, or unsound body, at the time of its admission, or if for any other reason said board shall consider said child an improper inmate of said school; that, in the case of the return of any child as herein provided to the county sending it, the guardianship of this board shall cease, and the child shall again become a charge on the county sending it. The said board of control shall report in writing, to the superintendents of the county poor of the proper county, the reason for returning the child.—(\$3783.)

(182.) SEC. 12. The children in such school shall be maintained and educated in the branches usually taught in common schools, and shall have proper physical and moral training.—(\$3784.)

(183.) SEC. 13. It is declared to be the object of this act to provide for such children only temporary homes until homes can be procured for them in families. It shall be the duty of such board of control to use all diligence to provide suitable places in good families for all such pupils as have received an elementary education; and any other pupils may be placed in good families on condition that their education shall be provided for in the public schools of the town or city where they may reside. That said board of control are hereby made the legal guardians of all the children who may become inmates of said school, with authority to bind out any child to a pursuit or trade during minority, under a contract insuring the child kind and proper treatment and a fair elementary education.—(\$3785.)

(184.) SEC. 14. That whenever there shall be sufficient room for the reception of the class of children described in this act, in such State Public School, no such children shall hereafter be maintained in county poorhouses. That in receiving such children into such School, preference shall be given first to dependent and indigent orphans or half orphans of deceased soldiers and sailors of this State.—(\$3786.)

(185.) SEC. 15. As soon as the State Public School buildings are ready for the admission of inmates, and thereafter semi-annually, and whenever inquired of by the superintendents of the poor, it shall be the duty of the secretary of the Board of Control to

Reception and continuance of pupils, and authority of board in relation thereto.

Return of children to county.

Report of reasons for return.

Maintenance and education.

Object of act.

Board to provide homes for pupils in families.

Board legal guardians of children.

Children not to be kept in poor-houses.

Soldiers' orphans to have preference.

Secretary of board to notify superintendents of poor.

¹ As amended by Act No. 145, p. 135, Laws of 1877.

How divided
among the sev-
eral counties.

Superintendents
of poor to for-
ward children.

Expenses, how
defrayed.

Examination of
children before
sending.

notify the superintendents of the poor of each county how many children of the county notified can be received in said school. That the admission for dependent children in said school shall be, as near as practical, divided among the several counties in proportion to the number of dependent children in each. That it shall be the duty of the superintendents of the poor of each county to forward to said school any dependent and neglected children that are entitled by this act to admission thereto in the manner herein provided. All expenses attending the forwarding of such children and of the examination herein provided for, and of returning to the counties where they belong children not entitled to admission, shall be defrayed by the county to which they belong, by the county treasurer, out of the funds appropriated to the support of the poor belonging to such county, after being allowed and certified by the county superintendents.¹—(§3787.)

(136.) SEC. 16. Before the superintendents of the poor shall send any child to said school, they shall cause him to be brought before the judge of probate in the county where the child belongs, for examination by the judge of probate as to his alleged dependence; and it shall be the duty of the superintendents of the poor of each county, in the case of children in the poorhouses, or other children which shall be found in a state of want or suffering, or being abandoned or improperly exposed, or children in any orphan asylum where the officers thereof desire to surrender them to the care of the State, whenever there shall be a vacancy for their county in said school, to bring such children before the said judge of probate for said examination; and it shall thereupon be the duty of the said judge of probate to investigate the facts in each case and ascertain whether such children are dependent; their ages, names, and residence of parents, and in what county, poorhouse, or orphan asylum they have been kept, if any, and for how long a time; and said judge of probate shall have power to compel the attendance of witnesses, and may in his discretion request the attendance of the prosecuting attorney on such examinations, and, if so requested, it shall be the duty of such prosecuting attorney to attend in behalf of the county. The parents or any friend may appear in behalf of any child, and in his discretion the said judge of probate may require any supervisor of any town or ward to appear in behalf of any child; and if, on such examination, the said judge of probate shall find that any child is dependent and neglected, he shall enter such finding by a proper order in the journal of the probate court in his office, and shall deliver to the superintendent of the poor procuring such examination a certified copy of such order, which shall contain, besides said findings, a statement of the facts so far as ascertained, as to the age of the child, names and residence of parents, and name of county poorhouse or orphan asylum where the child has been maintained, and the length of time of such maintenance; and in the case of the examination of two or more children at the same time, only one order need be made; and said certified copy

¹ As amended by Act No. 144, p. 191, Laws of 1873.

Expenses defrayed by State.

SECTION 4, ACT No. 76, LAWS OF 1875. The expense of transportation of children who may be sent to said school pursuant to law, shall be audited by the board of state auditors, and paid out of the general fund.

of said order shall be delivered, with the child at said school, to the superintendent thereof.¹

(187.) SEC. 17. It shall be the duty of said Board of Control to provide and always keep open for inspection of all persons desiring to examine it, a book in which shall be registered the names and ages of the children received in said school, and the residence of parents as near as can be ascertained, in which book shall also be recorded the date when the child is received and when the child left the school, and whether the child was apprenticed, placed in a family, or otherwise, and if placed in a family, the name, residence, and occupation of the head of such family, and if apprenticed, to whom.²

Board to keep open for inspection a registry book.

(SEC. 18.)³

(188.) SEC. 19. The said Board of Control is authorized to designate some officer, teacher, or other employé connected with said school to act as the agent thereof, and who shall act in that capacity during the pleasure of said Board of Control, and shall be known as the Agent of the State Public School; and his duties as such agent shall be prescribed by said Board, and shall include the visiting, as often and at such times as said Board of Control shall determine, any and all children placed in charge of any person by said Board of Control, to inquire into the condition of such children and make such investigation as may be necessary in relation thereto, and report the same to said Board of Control; to investigate all applications to take such children, by adoption or otherwise, to such suitable persons who are willing to adopt, take charge of, or otherwise take and keep any children sent to said school; and to enter into a contract in writing in behalf and under the instructions of said Board of Control, with the persons taking such child; and all such contracts shall contain a clause reserving to said Board of Control the right to withdraw the child from any person having him when in the opinion of the board the welfare of the child require it. The said agent, while acting as such, shall be paid his necessary traveling expenses by the treasurer of said Board of Control after being allowed and certified by said Board of Control.⁴

Agent of the State Public School.

Duties of.

To be paid necessary travelling expenses.

(189.) SEC. 20. The said board of control shall make out biennially, and report to the legislature at its regular session, a detailed statement of the operations of said institution, for the two years closing with the fiscal year preceeding said session, which shall include a report of the treasurer of the board of all receipts and disbursements for the same period. It shall also be the duty of said board to cause to be made out by the superintendent or other proper officer, and forwarded to the office of the Superintendent of Public Instruction, on or before the first day of November in each year, a report for the fiscal year, setting forth the condition of the institution, the amount of receipts and expenditures, the number of teachers and other officers, and compensation of each, the number of inmates that have received instruction, the studies pursued, and the books used; also the mode of instruction and disci-

Board of control to report biennially to Legislature.

Report to Superintendent of Public Instruction.

What to set forth.

¹ As added by Act No. 144, Laws of 1873, p. 191.

² Section 18 struck out of bill.

pline prescribed, and such other information and suggestions as may be deemed important, or the Superintendent of Public Instruction may require, to embody in the report of his department. The members of said board shall be allowed the expenses necessarily incurred by them in the discharge of their official duties, and three dollars per day for their official services actually and necessarily performed, which shall be audited by the board of State Auditors.¹

(191.) SEC. 21. That whenever the superintendents of the poor of any county shall bring any child before the judge of probate for examination as to his alleged dependence, as provided in section sixteen of this act, they shall present to said judge an application in writing, which shall be filed in his office, for such examination, which shall be signed by at least two of said superintendents, in which they shall certify that in their opinion the child named is dependent on the public for support, and that he has no parents against whom his support can be enforced, as provided in chapter forty-nine of the compiled laws of eighteen hundred and seventy-one.¹

(191.) SEC. 22. The [that] said board of control is hereby authorized to consent to the adoption of any child who has or shall become an inmate of said institution, by any person, pursuant to the provisions of an act entitled "An act to provide for changing the names of minor adopted children and other persons," approved February two, eighteen hundred and sixty-one, and that on such adoption and proceedings had under said act, whereby the child takes the name and becomes the heir of the person so adopting him or her, then said board of control shall cease to be the guardian of said child.¹

(191.) SEC. 23. That whenever on [the] examination provided for in this act the judge of probate shall determine that the child is dependent on the public for support, he shall cause it to be examined by the county physician, if there be one, and if not, then by a respectable practicing physician, and shall in no case enter the order in his journal, showing the child is admissible to this school, unless the physician making such examination shall certify in writing, under oath, filed in said court, that the child examined by him is, in his opinion of sound mind, and has no chronic or contagious disease, and in his opinion has not been exposed to any contagious disease within fifteen days previous to such examination before the judge of probate. That a copy of such certificate shall be attached to the other papers provided by this act, to accompany each child to this school.²

¹As amended by Act No. 59, Laws of 1875, p. 52.

²As amended by Act No. 145, Laws of 1877, p. 136.

Compensation of members of board.

Examination of children before sending to school—duty of superintendents of the poor.

Board may consent to adoption of children.

Examination of child by physician.

XIV. CARE OF JUVENILE OFFENDERS.

An Act establishing a State agency for the care of juvenile offenders.

Laws of 1873, p. 221. Approved and took effect April 29, 1873.

(193.) SECTION 1. *The People of the State of Michigan enact,* Appointment of agents in the several counties. That the Governor may appoint in each county of this State an agent of the Board of State Commissioners for the general supervision of charitable, penal, pauper and reformatory institutions, who shall hold his office at the pleasure of the Governor. Before entering upon the duties of his office, and within thirty days after receiving notice of his appointment, said agent shall take and file with the county clerk of the county for which he was appointed the oath of office prescribed by the constitution of this State, and upon such qualification it shall be the duty of the county clerk to immediately transmit notice thereof to the circuit judge, the probate judge, each justice of the peace, and all other magistrates of the county having competent jurisdiction for the trial of juvenile offenders. Said agent shall receive, as compensation for his time and services, his actual expenses necessarily incurred while engaged in the performance of his duties under this act, on being fully stated in account and verified by the affidavit of the agent, together with the sum of three dollars in full for his services in each case investigated and reported upon as hereinafter prescribed, when approved by the Governor, shall be paid by the State Treasurer on the warrant of the Auditor General, out of any money in the treasury not otherwise appropriated: *Provided,* That the sum so allowed for the services of such agent in any county except the county of Wayne shall not in any one year exceed the sum of one hundred dollars, and that in the county of Wayne the sum so allowed for such services shall not in any one year exceed the sum of two hundred dollars.¹

(194.) SEC. 2. Whenever a complaint is made or pending against any boy or girl under the age of sixteen years, for the commission of any offense not punishable by law with imprisonment for life, before any court or magistrate having competent jurisdiction thereof, it shall be the duty of such court or magistrate, before proceeding to hear or determine the case, to give notice in writing of the pendency thereof to said agent, who shall have opportunity allowed him to investigate the charge or charges; and upon receiving such notice, the agent shall immediately proceed to inquire into and make a full examination of the parentage and surroundings of the child, and of all the facts and circumstances of the case, and report the same to the court or magistrate, who shall advise and counsel with the said agent; and if upon such consultation, after full investigation and proof of the offense charged, it shall appear to the court that the public interest and the interest of such child will be best subserved thereby, he may make an order for the return of such child to his or her parents, guardian, or friends; or he

Appointment of agents in the several counties.

Oath of office.

Notice of qualification to magistrates.

Compensation.

Proviso—limit of compensation.

Court to notify agent of complaint against child.

Agent to make examination of parentage, etc., and report to court.

Court may order return of child to parents.

¹As amended by Act No. 37, p. 32, Laws of 1875.

May authorize agent to bind out.

May cause to be sent to State Public School, or House of Correction, or the Reformatory School.

Agent to visit indented children, etc., at least once a year, and inquire into treatment.

Report when child is neglected or abused.

Board to cancel contract, in all indentures, etc., right to cancel to be reserved.

Proceedings when persons not of kin wish to adopt, etc.

Relative to release of indented children.

Agents to seek out suitable persons to adopt children.

To report to board.

Superintendent of Reformatory School, etc., to notify agent of discharge of inmates.

may authorize said agent, under the advice and approval of the judge of probate of the county, to take such child and bind him or her out to some suitable person until he or she shall have attained the age of twenty-one years, or for any less time; or if the child appears to be willfully wayward and unmanageable, the court may cause him to be sent to the Reformatory School, or to a house of correction authorized by law to receive such boy or girl, subject to such conditions of sex and age as are now provided by law for the reception of children in said school.

(15.) SEC. 3. Said agent shall, as often as once in each year, visit all children, resident in the county for which he is appointed, who shall have been indentured or placed in charge of any person therein by any State board or officer of the State, and shall inquire into the management, condition, and treatment of such children, and for that purpose may have private interviews with such children at any time; and if it shall come to the knowledge of such agent that any child thus placed in charge of any person as aforesaid is neglected, abused, or improperly treated by the person having such child in charge, or that the person holding the child is unfit to have the care thereof, he shall report the fact to the board or officers of the institution by which such child was indentured, and such board or officers shall cancel the contract and cause the child to be returned to the institution from whence he or she was taken, or indentured to some other person, or to be discharged, in the discretion of the board or officers. In all contracts or indentures for binding out children from any State institution, the officers making the same shall expressly reserve the right to cancel the contract whenever in their judgment the interests of the child are not properly cared for.

(16.) SEC. 4. No child shall be indentured, adopted, or taken during minority, by any person not of kin thereto, from a State institution until notice of an application therefor has been given to the agent aforesaid residing in the county from which such application is made, and until his report in writing, made after an investigation into the propriety thereof, has been made and filed with the officers of such institution. And all applications for the release or discharge of any children so indentured or placed in charge of persons in such county, shall be given to said agent for his report in like manner.

(17.) SEC. 5. It shall be the duty of said agents in their respective counties, to seek out suitable persons who are willing to adopt, take charge of, educate, and maintain children arrested for offenses, committed to any State institution, or abandoned and neglected children in charge of any State institution or officers, and to give notice thereof to the boards or officers having authority to dispose of such children. And said agents shall, from time to time, make report of their doings under this section to the board of which they are to be agents.

(18.) SEC. 6. It shall be the duty of the Superintendent of the Reformatory School, and the principal officer of any State institution for the care or reformation of juvenile offenders now or hereafter

to be established, upon the discharge of any boy or girl received therein, forthwith to notify the agent of the Board of State Commissioners for the General Supervision of Charitable, Penal, Pauper, and Reformatory Institutions residing in the county from which such child was sent, of such discharge; and if the boy or girl so discharged shall return to such county, the agent shall, as far as possible, assist him or her in procuring suitable employment and a good home free from immoral and evil influences. Said agent shall also keep a brief history of each child within his county discharged as aforesaid, in a manner and form to be prescribed by the board of which he is agent, and report the same from time to time to said board as it may require, to the end that the effect of the treatment and discipline of the several institutions of the State for the care and reformation of juvenile delinquents upon their discharge therefrom may be better known and understood.

(19.) SEC. 7. This act shall not apply to any county of the State in which no agent shall be appointed by the Governor under and by virtue of the provisions hereof.

Agent to assist child returned to county.

To keep history of child discharged, and report from time to time.

XV. HOSPITALS OR ASYLUMS, INCORPORATION OF.

An act for the incorporation of hospitals or asylums in cases where valuable grants or emoluments have been made to trustees for such purposes.

Laws of 1863, p. 425. Approved March 20, 1863.

(200.) SECTION 1. *The People of the State of Michigan enact*, That in all cases where lands, or any other property, amounting in value to five thousand dollars or upwards, have been or shall hereafter be given, granted, devised, or bequeathed to one or more trustees for the purpose of founding or endowing a hospital or other charitable asylum within this State, for the care or relief of indigent or other sick or infirm persons, and it shall, for the more effective and perfect administration of such trust, be deemed expedient by such trustees to organize themselves as a corporation, then the trustees in whom said lands and other property are for the time being vested, may become incorporated by executing under their hands, and acknowledging before some person in this State authorized to take the acknowledgment of deeds, duplicate articles of incorporation, one of which shall be filed in the office of the Secretary of State, and one recorded in the clerk's office of the county or counties in this State, in which the office of such incorporation or association may be located; and upon the execution and acknowledgment of such articles, the signers thereof shall become and be a body politic and corporate, for the objects and purposes set forth in said articles; and they, their successors, and associates, shall

Corporations authorized.

Articles of incorporation.

To be filed and recorded.

Body corporate.

Powers of.	continue to be such body corporate and politic, and may sue and be sued, take, hold, and convey real and personal estate, subject to the limitations hereinafter contained; may adopt a common seal, and change the same, and may exercise all the powers, and shall be subject to all the responsibilities, by law conferred and imposed.— (§3028.)
Seal.	
Contents of articles.	(201.) SEC. 2. Said articles shall contain and declare: <i>First</i> , The name of such corporation, the city, town, or county in which such hospital or asylum is, or is to be located, and the period for which it is incorporated; <i>Second</i> , The objects of said corporation, which shall be stated with all convenient fullness and certainty; <i>Third</i> , The names of the trustees thereby incorporated; <i>Fourth</i> , The number of persons who shall constitute the permanent board of trustees of such corporation, the mode of the election or appointment of the first board of trustees, the time for which the trustees shall be elected or appointed, and the mode in which their successors shall be elected or appointed; <i>Fifth</i> , Such other officers of the corporation as may be deemed necessary; <i>Sixth</i> , The time of holding the annual meeting; <i>Seventh</i> , There shall also be annexed to such articles a copy of the deed, will, or other instrument by which the original gift, grant, devise, or bequest was made to such trustees.— (§3029.)
Boards of trustees.	(202.) SEC. 3. The affairs of said corporation shall be managed by a board of trustees, not less than three nor more than fifteen in number, who shall be chosen or appointed in such manner as is fixed in the articles of the [in]corporation; such trustees shall hold for the term or time in such articles fixed, and until their successors are chosen: <i>Provided</i> , That when the number of trustees and the mode of the appointment of their successors is fixed in the deed, will, or other instrument of the original founder, the provisions relating thereto shall govern in said corporation, so far as consistent with the laws of this State. The other officers of said corporation shall be chosen by the trustees, from their own numbers or otherwise, as the trustees shall determine. A majority of such trustees shall form a quorum, and may make by-laws, and alter the same, for the more orderly transaction of their business, and for the regulation of the care or relief to indigent and other sick and infirm persons. As soon as such corporation shall be duly organized, the individual trustees who hold or possess the lands or other property so given, granted, devised or bequeathed, shall forthwith convey and deliver the same to such corporation by deed or other proper mode of transfer, and said corporation shall thereupon and thereafter hold, possess and enjoy the same to the same extent, and for the same purposes, as designed and declared by the original donor.— (§3030.)
Term of office.	
Proviso.	
Officers.	
By-laws.	
Property to be conveyed to corporation.	
Corporate may receive by gift, etc. Proviso.	(203.) SEC. 4. Such corporation may, by gift, grant, devise, or bequest, take, receive, and hold any property, real or personal, but only for the purposes for which it is incorporated; <i>Provided</i> , That said corporation shall not hold any lands except such as shall be

necessary for the direct and reasonable use or convenience of its hospital or asylum, for a longer period than ten years.— (§3031.)

(204.) SEC. 5. The trustees of said corporation, or a majority of them, are hereby authorized and empowered to indenture or apprentice to responsible persons, any destitute or foundling children now, or which may be hereafter, in charge or care of said corporation, until such children shall respectively become of lawful age, and to make such indenture in each case as binding and effective in all respects as if said trustees were the lawful parents or guardians of said children: *Provided*, Said trustees shall have power to withdraw such child from any person to whom he or she may be indentured, when in their opinion the interests of the child may require it. No trustees of said corporation shall be entitled to any compensation except under some special employment by the board or authority expressed in the original deed or instrument of trust.— (§3032.)

(205.) SEC. 6. All the funds of said corporation shall be faithfully and exclusively used for the purposes thereof, as set forth in its articles, and the same shall be wholly used within this State. Said corporation may invest its funds by loan, on mortgage security, or by purchase of any city, county, State, or United States bonds, or by loan on pledge of the same: *Provided*, That no loan of such funds shall be made to any trustee, officer, or servant of such corporation.— (§3033.)

(206.) SEC. 7. The property on which said asylum or institution building stands, together with said building, shall, while occupied for the objects and purposes thereof, be exempt from taxation.— (3034.)

(207.) SEC. 8. Such corporation, whenever required by the Attorney General or the Legislature, shall make and exhibit a full statement of its affairs, under the oath of one or more of its trustees; and for any neglect so to report when required, each one of its officers, and all of the trustees so neglecting, shall be liable to a penalty of fifty dollars each, to be recovered by action of debt, in the name of the people of the State of Michigan; *Provided*, That said corporation may report to the Legislature each and every year after the establishment of such asylum or other institution, should they desire so to do.— (§3035.)

XVI. INDUSTRIAL AND OTHER CHARITABLE SCHOOLS.

An Act for the incorporation of Industrial and other Charitable Schools.

Laws of 1867, p. 186. Approved March 27, 1867.

(208.) SECTION 1. *The People of the State of Michigan enact*, That any three or more persons, who may desire to become incor-

¹ As amended by Act No. 10, p. 10, Laws of 1875.

porated for the purpose of maintaining industrial schools for the relief and instruction of the children of the poor, or the maintenance of homes for vagrant and friendless children, or the instruction of children generally in the various mechanical trades or other avocations of life, or for the purpose of one or all of these objects united, may execute, under their hands, and acknowledge before some person within this State, authorized to take the acknowledgment of deeds, one or more duplicate articles of agreement, as hereinafter specified, one copy whereof shall be filed and recorded in the office of the Secretary of State, and a second shall be made of such articles, or a certified copy thereof, in the clerk's office of the county or counties in this State, in which the office of said association for the transaction of business may be located; and upon the execution and acknowledgment of such articles, the signers thereof, and those who may thereafter become associated with them, shall become a body politic and corporate, for the purpose or purposes set forth in said articles.—(§3042.)

(209.) SEC. 2. The articles of this association shall contain—

First, The names of the persons associating in the first instances, with their places of residence;

Second, The name of such corporation, and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years;

Third, The objects for which it is organized, which shall be stated with convenient certainty, and expressly;

Fourth, The number of its trustees and regular officers, and the time and place of holding its annual meeting;

Fifth, The terms and conditions of membership therein.—(§3043.)

(210.) SEC. 3. The affairs of such corporation shall be managed by not less than five nor more than twenty trustees to be chosen by the members thereof, and to hold office for one year, and until their successors be chosen; and the regular officers thereof, except the treasurer and secretary, shall form a part of said trustees, and the treasurer and secretary shall be chosen from said trustees. The officers may be chosen by said trustees, or by the members of such corporation, as the articles shall prescribe. The by-laws of such corporation shall be adopted by such trustees, who may change them at their pleasure. A majority of the trustees shall be a quorum to transact business, and all of such trustees shall be citizens of the United States, and residents of the State of Michigan.—(§3044.)

(211.) SEC. 4. No such corporation shall have power to take and hold any real estate, except such as may be necessary for any schools, shops or other buildings under its control, or for the transaction of its business and carrying out of its purposes, for a longer period than ten years.—(§3045.)

(212.) SEC. 5. All the funds received by any such corporation shall be used in the first instance, or shall be invested, and the income thereof used (after paying necessary expenses) for the exclusive purpose or purposes set forth in the articles of association; and no

Articles of as-
sociation,
Contents.

Number of
trustees.

How officers
chosen.

Majority of
trustees a qu-
rum.

Power to hold
real estate.

How funds to be
used.

portion thereof shall be used for any such purpose or purposes, except within this State, and no portion of the funds of any such corporation shall be used or contributed towards the erection, completion, or furnishing of any building not owned or used by such corporation. Such corporation may take by gift, purchase, or devise, property to an amount not exceeding one hundred thousand dollars, and it shall be lawful to invest the same upon mortgage, or in city, county, State, or government securities, but no loan of its funds shall be made to any trustee or officer of such corporation: *Provided*, That any such corporation may, in its articles of association, specify the kind of securities in which its funds shall be invested, and that no part of its funds shall be invested in any securities other than those named in its articles, or where the securities shall not be specified in its articles of association, then such funds shall only be invested in such securities as are specified in this act.—(§3046.)

(213.) SEC. 6. Any corporation formed under this act shall, whenever required by the Attorney General or by the Legislature, report a full statement of all its affairs, under the oath of at least two of its trustees; and for any neglect to furnish such report when required, all of the trustees so neglecting shall be liable to a penalty of fifty dollars each, to be recovered by action of debt in the name of the people of the State of Michigan.—(§3047.)

Amount of prop-
erty limited.

How invested.

Proviso.

Investments.

To report under
oath.

Penalty for neg-
lect.

XVII. RELIEF OF POOR DEBTORS FROM IMPRISONMENT.

Chapter one hundred and forty-six of Revised Statutes of 1846.

(214.) SECTION 1. Every person who shall be imprisoned by virtue of one or more executions in civil causes, may make application for his discharge from imprisonment in the cases and in the manner hereinafter specified.—(§7322.)

(215.) SEC. 2. Such application may be made at the times following, that is to say:

When applica-
tion may be
made.

First, If the amount due on such execution shall not exceed twenty-five dollars, after he shall have been imprisoned thirty days;

Second, If the amount due on such executions be more than twenty-five dollars, and not exceeding fifty dollars, after he shall have been imprisoned sixty days;

Third, If the amount due on such executions be more than fifty dollars, and not exceeding one hundred dollars, and after he shall have been imprisoned ninety days;

¹ As amended by Act 105 of 1847. Laws of 1847, p. 172, Sec. 14.

Fourth, If the amount due on such executions be more than one hundred dollars, and not exceeding five hundred dollars, after he shall have been imprisoned six months;

Fifth, If the amount due on such executions shall exceed five hundred dollars, after he shall have been imprisoned nine months.¹—(§7323.)

Sheriff or jailer
to notify officer.

(216.) SEC. 2. The person so entitled to apply for his discharge may represent to the jailor or sheriff in whose custody he shall be that he is unable to pay the amount due on the execution or executions, by virtue of which he is imprisoned, and is desirous to take the benefit of the law for the relief of poor debtors, and thereupon such sheriff or jailor shall make such desire known to a circuit court commissioner or judge of the circuit court for the same county.—(§7324.)

Officer to appoint
time and place
for examination,
and notice there-
of to be given.

(217.) SEC. 3. The officer to whom such desire shall be so made known shall thereupon appoint a time and place within the same county for the examination of such debtor, and notice of such time and place shall be given to the plaintiff in every such execution, or his attorney, if within the same or any adjoining county, at least three days before such examination.—(§7325.)

When and how
notice to be pub-
lished, etc.

(218.) SEC. 4. If neither such plaintiffs nor their attorneys shall be found within either of such counties, such notice shall be published by posting the same upon the outer door of the jail in which such person is imprisoned, at least six days before such examination.—(§7326.)

Hearing before
officer.

(219.) SEC. 5. On the day appointed for such examination, the sheriff or jailor shall have the prisoner at the place designated by such officer; and on due proof of notice having been given as hereinbefore provided, such judge or commissioner shall examine the prisoner on oath concerning his estate and effects, and the disposal thereof, and his ability to pay the sum for which he is committed, or any part thereof, and shall hear any other legal and pertinent evidence that may be produced by the prisoner or any plaintiff in such execution.—(§7327.)

When officer to
administer oath.

(220.) SEC. 6. If the officer before whom such examination is had shall be satisfied of the truth of the facts set forth in the oath to be taken by the debtor, and in the certificate to be made by such officer, as required in the two following sections, he shall administer to such debtor the oath hereinafter prescribed.—(§7328.)

Form of oath.

(221.) SEC. 7. Such oath shall be in the following form: "I do solemnly swear (or affirm, as the case may be), that I have no estate, real or personal, to the amount of twenty dollars, except such goods and chattels as are by law exempt from execution, and that I have not any other estate, now conveyed or concealed, with design to secure the same to my use, or to the use of my family, or to defraud my creditors;" which oath shall be signed by the person making the same, and be certified by the officer.—(§7329.)

(222.) SEC. 8. After administering such oath, such officer shall

¹ Added by Act 105 of 1947, Sec. 14.

make a certificate under his hand, in substance in the following form:

Form of certi-
cate to be made
by officer.

"County of ss.

"To the keeper of the jail of said county:

"I, the subscriber, judge of the county court (or a circuit court commissioner, as the case may be) for said county, do hereby certify that A B, a poor prisoner, confined upon execution in a civil cause, in the jail of said county, has caused C D, the person at whose suit he is imprisoned, to be notified according to law, of his desire to take the benefit of the law for the relief of poor debtors; that in my opinion the said A B has no estate, real or personal, to the amount of twenty dollars, except such goods and chattels as are by law exempt from execution, and has not any other estate now conveyed or concealed, or in any way disposed of with design to secure the same to his own use or the use of his family, or to defraud his creditors; and that I have, after due examination of the said A B, administered to him the oath prescribed by law to be taken by poor prisoners, who are committed on execution in civil causes."—(§7330.)

(223.) SEC. 9. The jailor, upon receiving such certificate, shall discharge the prisoner so far as he is held in prison on the execution or executions therein mentioned, and such certificate, and the oath taken by such prisoner shall be filed and preserved in the office of the clerk of the county in which the proceedings were had.—(§7331.)

Prisoner to be
discharged, and
oath and certi-
cate filed.

(224.) SEC. 10. If the officer to whom any application shall be made under the provisions of this chapter, after the examination of the prisoner, shall not be satisfied that he is entitled to his discharge, such prisoner shall be remanded to prison; but he shall not thereby be prevented from obtaining his discharge upon new notice to the creditor or creditors, and new proceedings before the same or some other proper officer, in the manner herein provided.—(§7332.)

When prisoner
to be remanded,
etc.

(225.) SEC. 11. The debtor, after being so discharged, shall be forever exempted from arrest or imprisonment for the same debt, unless he shall be convicted of having sworn falsely upon his examination before the officer, or in taking the oath before prescribed.—(§7333.)

Debtor dis-
charged to be
forever ex-
empted, unless,
etc.

(226.) SEC. 12. If he shall be so convicted, he shall have no benefit from the proceedings had under this chapter, and shall be liable to the punishment of perjury; and the creditor or creditors may have new executions against the body, or against the goods and chattels, lands, and tenements of the debtor, in like manner as if he had not been committed on execution.—(§7334.)

Consequences if
debtor convicted
of perjury.

¹ As amended by Act No. 90, p. 72, Laws of 1877.

XVIII. MASTERS, APPRENTICES, AND SERVANTS.

Chapter eighty-seven of Revised Statutes of 1846.

Infants may bind themselves as apprentices, etc., for what term.

(227.) SECTION 1. Every male infant, and every unmarried female under the age of eighteen years, with the consent of the persons or officers hereinafter mentioned, may, of his or her own free will bind himself or herself in writing, to serve as clerk, apprentice, or servant in any profession, trade or employment; if a male, until the age of twenty-one years, and if a female, until the age of eighteen years, or until her marriage within that age, or for any shorter time; and such binding shall be as valid and effectual as if such infant was of full age at the time of making such engagement.—(§4857.)

(228.) SEC. 2. Such consent shall be given—

Consent, by whom given.

First. By the father of the infant. If he be dead or be not in a legal capacity to give his consent, or if he shall have abandoned and neglected to provide for his family, and such fact be certified by a justice of the peace of the township and endorsed on the indenture; then,

Second. By the mother. If the mother be dead, or be not in a legal capacity to give such consent, or refuse; then,

Third. By the guardian of such infant duly appointed. If such infant have no parent living, or none in a legal capacity to give consent, and there be no guardian; then,

Fourth. By any two justices of the peace of the township where such infant may reside;

Fifth. By the recorder of any city in the county, or by the probate judge of such county.—(§4858.)

How consent to be signified.

(229.) SEC. 3. Such consent shall be signified by the person or officers entitled to give the same, by writing at the end of or indorsed upon each part of the indentures, signed by such person or officers, and not otherwise.—(§4859.)

Indentures.

(230.) SEC. 4. No minor shall be bound as aforesaid, unless by indentures in two parts, sealed and delivered by both parties.—(§4860.)

When superintendents of the poor, etc., may bind out minors.

(231.) SEC. 5. The county superintendents of the poor in the several counties, or the recorder of any city of the county, or the probate judge of such county, and upon the relation of any person they or either of them are hereby authorized and required to institute inquiry, and to examine witnesses on oath as to the merits of the case, and shall keep a record of proceedings, and file the same in the county clerk's office, and may bind out any child under the ages above specified who shall be sent to any county poor-house, or who is or shall become chargeable, or whose parent or parents shall become chargeable to such county, to be clerks, apprentices, or servants, until such child, if a male, shall be twenty-one years old, and if a female, shall be eighteen years old, or until her marriage within that age, which binding shall be as effectual as if such

¹ As amended by Act No. 66, Laws of 1863, p. 90, and by Act No. 120, p. 181, Laws of 1875.

child had bound himself or herself with the consent of his or her father.—(§4861.)

(232.) SEC. 6. The directors of the poor of any township or city may also bind out any such child who, or whose parent or parents, shall become chargeable to the county, and who shall be supported in their township, with the consent in writing of one of the county superintendents of the poor.—(§4862.)

When directors of poor may bind.

(233.) SEC. 7. The age of every infant bound pursuant to the provisions of this chapter shall be inserted in the indentures, and shall be taken to be the true age without further proof thereof; and whenever any public officers are authorized to execute any indentures, or their consent is required to the validity of the same, it shall be their duty to inform themselves fully of the infant's age.—(§4863.)

Age of minor to be inserted in indentures.

(234.) SEC. 8. The counterpart of any indentures executed by the county superintendents of the poor shall be by them deposited in the office of the clerk of the county; and the counterpart of any such indentures executed by the directors of the poor shall be by them deposited in the office of the clerk of their township or city; and provision shall be made in every such indenture for teaching the minor to read, write, and cipher, and for such other instruction, benefit, and allowance, as such superintendents or directors may think reasonable.—(§4864.)

Counterpart, where to be deposited; provisions to be inserted.

(235.) SEC. 9. All considerations of money or other things paid or allowed by the master, upon any indenture of apprenticeship or service, made in pursuance of this chapter, shall be paid or secured to the sole use of the minor bound thereby.—(§4865.)

Moneys, etc., paid by master, to be for use of minor.

(236.) SEC. 10. Parents and guardians, and superintendents and directors of the poor, shall inquire into the treatment of all children bound by them respectively, or with their approbation, and of all who shall be bound by their predecessors in office, and defend them from all cruelty, neglect, or breach of the indentures on the part of their masters.—(§4866.)

Who to inquire into treatment of children, and to defend them.

(237.) SEC. 11. In case of any such misconduct or neglect of the master, a complaint may be filed by the parent or guardian, or by the superintendents or directors of the poor, in the probate court for the county in which the master resides, setting forth the facts and circumstances of the case; and the court, having caused such notice as it shall deem reasonable to be given to the master, shall proceed to hear and determine the cause.—(§4867.)

Complaint against master for misconduct.

(238.) SEC. 12. After a full hearing of the parties, or of the complainant alone in case the master shall neglect to appear, the court may make an order or decree that the minor be discharged from his apprenticeship or service, and for the costs of the proceeding against the master, and may issue execution therefor accordingly, and the minor may be bound out anew, unless such order be reversed on appeal.—(§4868.)

When court may discharge minor, and award costs against master.

(239.) SEC. 13. If the complaint be not sustained, the court shall order costs to be paid by the complainant to the master, and

When costs to be awarded against complainant.

¹ As amended by Act No. 66, Laws of 1863, p. 90, and by Act No. 120, p. 181, Laws of 1875.

issue execution therefor accordingly; excepting that if such complaint be made by the superintendents or directors of the poor, the court shall not award costs against them unless it shall appear that the complaint was made without any just or reasonable cause.— (§4869.)

Master, when liable to a fine.

(240.) SEC. 14. Every master shall also be liable, whether such complaint shall have been filed or not, to an action on the indenture, for the breach of any covenant, on his part, therein contained; which action shall be brought in the name of the minor by his guardian or next friend, or by himself, after his majority.— (§4870.)

Damages recovered, how assessed.

(241.) SEC. 15. If such action be brought and a recovery be had during the minority of such apprentice or servant, the damages recovered in such action, after paying the necessary charges of the prosecution, shall be the property of the minor, and may be appropriated to his use, or invested for his benefit, in the same manner as any other property belonging to such minor.— (§4871.)

Within what time action to be commenced.

(242.) SEC. 16. No such action shall be maintained by any apprentice or servant unless it be commenced during the term of apprenticeship or service, or within two years after the expiration thereof.— (§4872.)

If judgment be rendered for plaintiff, may be discharged.

(243.) SEC. 17. If judgment in such action shall, upon the final determination thereof, be rendered for the plaintiff, the court in which the same is prosecuted may thereupon, by an order to be entered in its minutes, discharge the minor from his apprenticeship or service, if it shall not have been already done in the manner before provided, and the minor may thereupon be bound out anew.— (§4873.)

Proceeding if apprentice or servant less on the service of his master.

(244.) SEC. 18. If any apprentice or servant, bound as aforesaid, shall unlawfully depart from the service of his master, any justice of the peace, upon complaint on oath made to him by the master, or by any one in his behalf, may issue his warrant to apprehend the apprentice or servant, and bring him before such justice.— (§4874.)

Justice may order offender to be returned or may commit him.

(245.) SEC. 19. If such complaint be supported, the justice may order the offender to be returned to his master, or may commit him to the common jail or house of correction, there to remain for a term not exceeding twenty days, unless sooner discharged by his master.— (§4875.)

Effect of warrant.

(246.) SEC. 20. The justice's warrant, when directed to any officer or other person by name, shall authorize him to convey the offender to the place of residence of the master, although it may be in any other county in the State.— (§4876.)

Who to pay costs.

(247.) SEC. 21. All the costs incurred on any such process against an apprentice or servant, shall be paid in the first instance by the master; and if the complaint be supported, the amount of such costs may be recovered in an action against the minor, after he shall arrive at full age.— (§4877.)

Complaint against apprentice for misconduct, and

(248.) SEC. 22. If any such apprentice or servant shall be guilty of any gross misbehavior, or refusal to do his duty, or willful neglect thereof, his master may file his complaint in the probate

court of the county in which he resides, and the court, after causing such notice as it shall deem reasonable, to be given to the parent or guardian who consented to the binding of such apprentice or servant, or to the officers who bound him, or their successors in office, shall proceed to hear and determine the cause.— (§4878.)

proceedings thereon.

(249.) SEC. 23. After a full hearing of the parties, or of the complainant if the adverse party shall neglect to appear, the court may make an order or decree that the master be discharged from the contract of apprenticeship or service, and for the costs of the suit; and the amount of such costs may be recovered in an action against the minor, with interest thereon, after he shall have arrived at full age; and such minor may be bound out anew.— (§4879.)

When court may discharge master from obligation, etc.

(250.) SEC. 24. No indenture of apprenticeship or service, made in pursuance of this chapter, shall bind the minor after the death of the master, but the minor shall be thenceforth discharged therefrom, and may be bound out anew.— (§4880.)

Minor discharged by death of master.

(251.) SEC. 25. An indenture of apprenticeship or service made in pursuance of this chapter, by or in behalf of a minor, may be made either with a woman or man capable in law of contracting; and all the foregoing provisions shall apply as well to mistresses as to masters; and the recorder of any city of the county, or the circuit judge of such county, may permit and order the transfer of such indentures as are authorized in this chapter when, upon sufficient proofs and hearing, such officer shall be satisfied such transfer will be for the interest of such minor: *Provided*, The consent of the minor shall first be given to such transfer, if at the time of such transfer such minor be of the age of fourteen years.—

Provision applies to mistresses.

Proviso.

(§4881.)

(252.) SEC. 26. Nothing contained in this chapter shall prevent or affect the right of a father, by the common law, to assign or contract for the services of his children for the term of their minority or of any part thereof.— (§4882.)

Common-law right not affected.

(253.) SEC. 27. The mother of an illegitimate minor child shall have power to give the consent authorized in this chapter, to the binding of such child, during the lifetime of the putative father, as well as after his death.— (§4883.)

Mother of illegitimate child may consent to binding.

XIX. THE MAINTENANCE OF ILLEGITIMATE CHILDREN.

Chapter forty-two of Revised Statutes of 1846.

(254.) SECTION 1. When any woman who has been delivered of a bastard child, or is pregnant with a child which, if born alive, may be a bastard, shall make a complaint to any justice of the

Complaint against father of bastard child and examination thereon.

¹ As amended by Act No. 69, Laws of 1863, p. 90, approved and took effect March 7, 1863.

peace, and shall desire to institute a prosecution against the person whom she accuses of being the father of the child, the justice shall take her accusation and examination in writing, under oath, respecting the person accused, the time when and the place where the complainant was begotten with child, and such other circumstances as the said justice shall deem necessary for the discovery of the truth of such accusation.—(§1973.)

(255.) SEC. 2. The said justice may issue his warrant against the party accused, which may be executed in any part of the State, and, after hearing him in his defense, may require him to enter into recognizance with one or more sureties to the satisfaction of the justice, in such sum as he may deem necessary, not less than one hundred nor more than five hundred dollars, upon condition to appear and answer to the said complaint at the next term of the circuit court for the county, and to abide the order of the court thereon, and may order him to be committed until he shall enter into such recognizance; and on the trial of the issue before the court, the examination taken as aforesaid shall be given in evidence.—(§1974.)

(256.) SEC. 3. If at the next term of the said court, the complainant shall not have been delivered, or shall not be able personally to attend, or if there shall be any other sufficient reason therefor, the court may order a continuance of the cause, from time to time, as they shall judge necessary, and such recognizance shall remain in force until final judgment: *Provided*, That if the sureties of any recognizance shall, at any term of said court, object to being any longer held liable, or if the court shall, for any cause, deem it proper, such court may order the defendant to enter into a new recognizance, with such sureties and for such amount as they shall direct; and he shall stand committed until such new recognizance shall be entered into.—(§1975.)

(257.) SEC. 4. Upon the trial of the cause, the woman making the complaint shall be admitted as a witness, unless she shall have been convicted of a crime which would by law render her incompetent as a witness in any other cause; and the issue to the jury shall be whether the defendant is guilty or not guilty; and if the jury shall find him guilty, or if he shall admit the truth of the accusation, he shall be adjudged to be the father of such child, and shall stand chargeable with the maintenance thereof, with the assistance of the mother, in such manner as the court shall order.—(§1976.)

(258.) SEC. 5. Such person so adjudged to be the father of such child shall give bond to the superintendents of the poor of the county, with sufficient sureties to the satisfaction of the court, to perform such order, and also to indemnify the county which might be chargeable with the maintenance of such child, and he may be committed to prison until he shall give such bond; but if on such trial he shall be found not guilty, the court shall order that he be discharged; and in either case the judgment of the court shall be final.—(§1977.)

¹No writ of error can be taken to the Supreme Court under this act. See 8 Mich., 113; 5 Mich., 225.

(259.) SEC. 6. Any man who shall have been imprisoned ninety days for having failed to comply with the order of the circuit court, as provided in this chapter, shall have the benefit of the laws for the relief of poor prisoners committed on execution for debt, provided he shall procure the like notification of his intention to take the oath prescribed to poor debtors, to be served on the complainant, if still living within this State, and also upon one of the said superintendents of the poor; such notification to be served at least thirty days before the time appointed for taking the oath.—(§1978.)

(260.) SEC. 7. The mother of such child, and the said county superintendents respectively, may at all times after the liberation of such prisoner on taking said oath, recover, by action of debt or on the case, any sum of money which ought to have been paid to them, respectively, by him in pursuance of such order of the court.—(§1979.)

(261.) SEC. 8. If any woman shall be delivered of a bastard child which shall be chargeable or likely to become chargeable to any county, or shall be pregnant of a child likely to be born a bastard and to become chargeable to any county, the superintendents of the poor of any county, or any of them, where such woman shall be, shall, upon application for aid in supporting such child by the mother thereof, apply to some justice of the peace of the same county to make inquiry into the facts and circumstances of the case.—(§1980.)

(262.) SEC. 9. Such justice shall examine such woman on oath respecting the father of such child, the time when and the place where she was begotten with child, and such other circumstances as the justice may deem necessary for the discovery of the truth; and shall thereupon issue his warrant to apprehend the reputed father; and the same proceedings shall be thereupon had, as if complaint had been made by such woman, as prescribed in the foregoing provisions of this chapter, and with the like effect.—(§1981.)

(263.) SEC. 10. Any warrant issued for the apprehension of such reputed father may be executed in any county in this State, in which the person against whom the same issued may be found.—(§1982.)

(264.) SEC. 11. The superintendents of the poor of any county in this State shall have power to make such compromise and arrangement with the putative father of any bastard child in such county, relative to the support of such child, as they shall deem equitable and just, and thereupon may discharge such putative father from all liability for the support of such bastard.—(§1983.)

Relief of person imprisoned.

Still liable to action.

When superintendents to make application for examination.

Woman to be examined, and reputed father apprehended.

Superintendents may compromise with father of bastard.

19 Mich., 14.

Warrant; proceedings thereon.

Proceedings in circuit court.

Proviso.

Trial and judgment.

1 Doug. Mic. c. 47.
10 Mich., 24.

Bond to see performance of order, etc.

XX. DISORDERLY PERSONS.

From chapter thirty-nine of Revised Statutes of 1846.

What pers. are
deemed disor-
derly.

(265.) SECTION 1. All persons who do run away, or threaten to run away, who, being of sufficient ability, refuse or neglect to support their families, or leave their wives or children a burden on the public; * * * and all vagrants, shall be deemed disorderly persons. * * * ¹—(\$1960.)²

XXI. DISSECTION IN CERTAIN CASES.

An Act to authorize dissection in certain cases, for the advancement of science.

Laws of 1867, p. 254. Approved March 27, 1867.

Provision for fur-
nishing Univer-
sity and Detroit
Medical College
with certain sub-
jects for dissec-
tion.

(266.) SECTION 1. *The People of the State of Michigan enact*, That any member of either of the following boards of officers, to wit: the board of health of any city, village, or township in the State, the mayor or common council of any city, and any officer or board having direction, management, charge, or control in whole or in part of any prison, house of correction, or jail in the State, shall deliver the dead bodies of such persons as may be required to be buried at the public expense, when so requested by letter or otherwise, to any member of the medical faculty of the University of Michigan, or Detroit Medical College, when there shall be deposited with such board or officer sufficient money to defray the expense and trouble of packing and preparing the same for shipment, which shall not exceed the sum of fifteen dollars for each subject, shall deliver, within forty-eight hours after the death of such person, to the express company or freight company at the nearest railroad station, properly placed in a plain coffin as for burial, and inclosed in a strong box, plainly directed to the person and place as directed by the consignee making such deposit, to be shipped to such consignee to be used by him for the advancement of anatomical science, preference being always given to the faculty of the medical department of the University of Michigan for their use in the instruction of medical students, and after they have made their orders and deposit of money as aforesaid; and such board or officers shall take the usual shipping receipt for such packages, and shall notify the consignee of such shipment by letter, mailed on the day the packages are delivered to the express com-

Preference to
medical faculty
of University.

Officer making
shipment to take
receipt, etc.

¹ As amended by Act No. 89, p. 147, Laws of 1865, and Act No. 113, p. 150, Laws of 1873.

² For the apprehension of disorderly persons, security for their good behavior, etc., see Chap. 32 of the Comp. Laws of 1871.

pany or freight company at the railroad depot. In no case shall the faculty or the regents be entitled to require or receive from any medical student or students, for any such body furnished therein, any sum of money in excess of the actual cost of procuring the same. Any of said officers who shall neglect to comply with any such request after being tendered or receiving the money so required to be deposited, shall be subject to a penalty of one hundred dollars for each body that he neglects to ship as aforesaid, one-half of which shall go to the party making the demand and deposit as aforesaid: *Provided*, That the University and each and every medical institution shall not receive into their possession such bodies as are procured in this State other than those provided for by the provisions of this act, and every individual or party violating this provision shall be deemed guilty of a misdemeanor.¹—(\$2110.)

Cost of bodies to
students.

Penalty for neg-
lect to furnish
body.

Proviso.

(267.) SEC. 2. No such dead body shall be shipped as aforesaid if, within twenty-four hours after death, or before such body shall be shipped, any relatives or friends of the deceased who will bury the body at his own expense, or shall require to have the body buried; or if such deceased person was a stranger or traveler, the dead body shall in all such cases be buried.²—(\$2111.)

When bodies
not to be sur-
rendered.

(268.) SEC. 3. No such dead body shall be sold or delivered to any person to be taken out of the State, nor shall any such dead body be shipped to any person or place out of the State, or be used within the State for any purpose except for the prosecution of anatomical science. Any person violating any of the provisions of this act shall be punished by a fine of not less than fifty, or more than one hundred dollars, or by imprisonment in the county jail not less than one or more than three months, or by both such fine and imprisonment, at the discretion of the court.³—(\$2112.)

Bodies must not
be sold to be
taken out of the
State, etc.

Penalty for vio-
lating provisions
of this act.

(269.) SEC. 4. Any practicing physician or surgeon of this State, or any medical student under the authority of such physician or surgeon, may have in his possession human dead bodies, or the parts thereof, lawfully obtained, for the purposes of anatomical inquiry or dissection.⁴—(\$2113.)

Permission to
possess.

XXII. MISCELLANEOUS PROVISIONS.

INSPECTION OF COUNTY JAILS.

From Chapter 171 of Revised Statutes of 1846.

(270.) SECTION 16. In each county of this State, the judge of the circuit court together with the county superintendents of the poor, shall be inspectors of the jails respectively.¹—(\$3033.)

Inspectors of
jails.

¹ As amended by Act No. 113, p. 152, Laws of 1871, and Act No. 123, p. 164, Laws of 1875.

² As amended by Act No. 123, p. 164, Laws of 1875.

³ As amended by Act No. 113, p. 152, Laws of 1871.

RELIEF OF POOR PERSONS BY VILLAGES.

From Act granting and defining the powers and duties of incorporated villages.
Laws of 1875, p. 57.

CHAPTER VII.

(271.) SECTION 2. The council of any village may make such revisions as they shall deem expedient, for the support and relief of poor persons residing in the village.

REMOVAL OF PAUPERS FROM POORHOUSES.

From Chapter thirty-five of Revised Statutes of 1846.

(272.) SEC. 26. Whenever any pestilence or contagious disease shall break out in any county poorhouse in this State, or in the vicinity thereof, and the physician to such county poorhouse, or such other physician as the superintendents may consult, shall certify that such pestilence or disease is likely to endanger the health of the persons supported at such poorhouse, the superintendents of such county poorhouse shall cause the persons there supported, or any of them, to be removed to some other suitable place in the same county, and there to be maintained and provided for at the expense of the county, with all necessary medical attendance and care, until they can safely be returned to such poorhouse, or otherwise discharged.—(§1717.)

When superintendents of poor may remove paupers from poorhouses.

APPOINTMENT OF GUARDIANS FOR SPENDTHRIFTS.

From Chapter eighty-six of Revised Statutes of 1846.

(273.) SEC. 16. When any person, by excessive drinking, or by gaming, idleness, or debauchery of any kind, shall so spend, waste, or lessen his estate, as to expose himself or his family to danger of want or suffering, or the county to charge or expense for the support of himself or his family, any superintendent of the poor of the county, or director of the poor, or justice of the peace of the township, of which such spendthrift is an inhabitant, or in which he resides, may present a complaint to the judge of probate, setting forth the facts and circumstances of the case, and praying to have a guardian appointed for him.—(§4825.)

When guardian may be appointed for spendthrifts.

APPROVAL BY SUPERINTENDENTS OF THE POOR OF THE SALE OF THE REAL ESTATE OF WARDS.

From Chapter seventy-seven of Revised Statutes of 1846.

(274.) SECTION 41. No license shall be granted to any guardian to sell real estate of his ward as provided in this chapter in any case excepting that of minors, unless the superintendents of the poor of the county of which the ward is an inhabitant, or in which he resides, shall certify to the judge of probate, in writing, their approbation of such proposed sale, and that they deem it necessary.—(§4853.)

When license not to be granted without the approbation of superintendents of poor.

From Chapter seventy-eight of Revised Statutes of 1846.

(275.) SECTION 9. No such license shall be granted for the sale of any real estate of a ward, excepting that of a minor, unless the

When certificate of superintendents of poor necessary.

superintendents of the poor of the county of which the ward is an inhabitant shall certify in writing their approbation of the proposed sale.—(§4608.)

PROCEEDINGS BY AND AGAINST PUBLIC BODIES HAVING CERTAIN CORPORATE POWERS, AND BY AND AGAINST OFFICERS REPRESENTING THEM.

Chapter one hundred and nineteen of Revised Statutes of 1846.

(276.) SECTION 1. In all cases not otherwise provided by law, action may be brought by the board of supervisors of a county; by county superintendents of the poor; by supervisors of townships; by directors of the poor of the several townships; by inspectors of primary schools, and commissioners of highways of the several townships, and by assessors of school districts, upon any contract lawfully made with them or their predecessors in their official character, or to enforce any liability, or any duty enjoined by law, to such officers or the body which they represent, and to recover damages for any injuries done to the property or rights of such officers, or of the bodies represented by them.—(§6624.)

Actions by certain public officers.

(277.) SEC. 2. Such actions, when brought by any board of supervisors, shall be in the name of such board as provided by law; when brought by any supervisor in behalf of his township, they shall be brought in the name of such township; when brought by superintendents of the poor, inspectors of primary schools, commissioners of highways, or directors of the poor, or by any other officers authorized to sue in their name of office, they shall be brought in the name of their respective offices, without naming the persons holding the same; and when brought by the assessor or other person representing a school district, they shall be brought in the name of such district.—(§6625.)

In what names actions to be brought.
5 Mich. 528.

(278.) SEC. 3. Such actions may be brought by such officers, notwithstanding the contract or obligation on which the same is founded may have been made with or to any predecessors of such officers, and notwithstanding any right of action may have accrued previous to the time when the officers commencing such suit entered upon the execution of the duties of their office.—(§6626.)

On contracts with predecessors.

(279.) SEC. 4. Actions against any of the officers or bodies named in the second section of this chapter, shall be brought against them by the same name in which such officers or bodies are respectively authorized to sue, and such actions may be commenced and prosecuted to final judgment in the same manner, as near as may be, as actions against individuals, except as otherwise is or shall be provided by law.—(§6627.)

Actions against certain officers and bodies.

(280.) SEC. 5. When any contract shall have been entered into or any liability incurred, by or in behalf of any county or township, by any officer thereof, within the scope of his authority, the same remedies may be had after the termination of his office, and process may be served in the same manner upon any successor of such officer, as if he had continued in office.—(§6628.)

On contracts of predecessors.

(281.) SEC. 6. No suit commenced by or against any officers named in this chapter, or the bodies represented by them, shall be

Not abated by death, etc., of officers.

abated or discontinued by the death of such officers, their removal from or resignation of their offices, or the expiration of their term of office; but such suit shall be prosecuted or defended by their successors in such office in the same manner as if no such change had taken place.—(§6029.)

(282.) SEC. 7. When a judgment shall be recovered against any township, or against any township officers, in an action prosecuted by or against them in their name of office, no execution shall be awarded or issued upon such judgment, but the same, unless reversed, shall be levied and collected as other township charges; and, when so collected, shall be paid by the township treasurer to the person to whom the same shall have been adjudged, upon the delivery of a proper voucher therefor.—(6630.)

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